



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department
Lindsley Hall
730 Second Avenue South
Nashville, Tennessee 37201

**Minutes
Of the
Metropolitan Planning Commission**

March 9, 2006

4:00 PM

Howard School Auditorium, 700 Second Ave., South

PLANNING COMMISSION:

Doug Small, Vice Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
Ann Nielson
Victor Tyler
James Mclean
Councilman J.B. Loring
Phil Ponder, representing Mayor Bill Purcell

Staff Present:

Richard Bernhardt, Executive Director
Ann Hammond, Assistant Director
Brooks Fox, Legal Counsel
David Kleinfelter, Planning Mgr. II
Bob Leeman, Planner III
Kathryn Fuller, Planner III
Trish Brooks, Admin. Svcs. Officer 3
Luis Pereira, Planner I
Jason Swaggart, Planner I
Adriane Harris, Planner II
Jennifer Carlat, Communications Officer
Cynthia Wood, Planner III
Brenda Bernards, Planner II

Commission Members Absent:

James Lawson, Chairman

I. CALL TO ORDER

The meeting was called to order at 4:02 p.m.

II. ADOPTION OF AGENDA

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to adopt the agenda as presented. (7-0)

III. APPROVAL OF FEBRUARY 9 AND FEBRUARY 23, 2006, MINUTES

Mr. Loring moved and Mr. Ponder seconded the motion, which passed unanimously to approve the February 9, 2006 and February 23, 2006 minutes as presented. (7-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilman Coleman spoke regarding Item #25 2006P-004U-12, Benzing Townhomes. He stated he will address the Commission once the item was presented.

Councilman Bradley announced he would be leaving his office of Councilman and expressed his appreciation to the Commission for their service. In particular, he thanked Mr. Bernhardt, and members of the Planning staff.

Councilman Toler briefly explained the history of Item #4, 2005Z-139G-12 and requested that it be deferred. He requested that during the deferral that a geological certification be submitted on this parcel. He also requested that the developer submit a detailed itinerary on the infrastructure improvements resulting from this project.

Mr. Clifton arrived at 4:08 p.m.

Ms. Cummings arrived at 4:09 p.m.

Councilman Briley stated his item was on the Consent Agenda.

Councilman Cole stated he would address the Commission after Item #15, 2006S-096U-05, Solon Court was presented to the Commission.

Councilwoman Murray spoke in favor of Items #8 & 9, 2006Z-032U-08 and 2006Z-033U-05 which were on the Consent agenda.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

- | | | | |
|-----|---------------|--|--|
| 1. | 2006Z-017T | A request to amend various sections of the Metro Zoning Code relative to landscaping and tree protection requirements | – deferred indefinitely at the request of the applicant. |
| 2. | 2006S-068U-03 | Fairview Subdivision, Portion of Tract 8 - Request for final plat approval to create 5 lots located on the south side of West Hamilton Road | – Deferred to March 23, 2006 at the request of the applicant |
| 4. | 2005Z-139G-12 | A request to change from AR2a to RS10 district property located at 1160 Barnes Road | – deferred indefinitely at the request of the applicant |
| 11. | 2006Z-036G-14 | Request to apply a Neighborhood Landmark Overlay District to two properties located at 400 and 404 Wisteria Lane, at the northwest corner of Wisteria Lane and Central Pike (0.46 acres), zoned R8 District, requested by Jane Gardner, owner | – deferred indefinitely at the request of the applicant |
| 23. | 89P-003G-06 | Still Spring Ridge, Phase II - Request to revise the approved preliminary plan for a residential Planned Unit Development, located on the north east side of Hicks Road (unnumbered), to allow for a 12,000 sq. ft. Center for Jewish Awareness to replace a previously approved 10,000 square feet. private recreation facility | – deferred to March 23, 2006 at the request of the applicant |

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to approve the Deferred and Withdrawn items as presented. (9-0)

VI. PUBLIC HEARING: CONSENT AGENDA

- VII. AMEND THE ADOPTED MAJOR STREET PLAN BY REDESIGNATING THE SEGMENT OF OLD HICKORY BOULEVARD BETWEEN I-40 AND OLD CHARLOTTE PIKE FROM S4 SCENIC 4-LANE ARTERIAL TO U4 URBAN 4-LANE ARTERIAL** - Approve

ZONING MAP AMENDMENTS AND TEXT AMENDMENTS

- | | | | |
|----|---------------|--|-----------|
| 3. | 2006Z-014T | Amend Zoning Code sections 17.04.060B and 17.24.070 and adopting Zoning Code section 17.12.120 to implement conservation subdivisions requested by Councilmember David Briley. | - Approve |
| 6. | 2006Z-028G-12 | Request to apply a Neighborhood Landmark Overlay District to the Oglesby Community Club located at 5724 Edmondson Pike | - Approve |
| 7. | 2006Z-031U-11 | Request to change from OR20 and MUN to MUL district, property located at 101, 103, and 107 Charles E. Davis Boulevard | - Approve |
| 8. | 2006Z-032U-05 | Request to apply a Historic Landmark Overlay District to property located at 1220 Gallatin Pike | - Approve |
| 9. | 2006Z-033U-05 | Request to apply a Historic Landmark Overlay District to property located at 908 and 914 Meridian Street | - Approve |

- | | | | |
|-----|----------------|---|---------------------------|
| 12. | 2006SP-041U-13 | Request to change from R10 to SP zoning, and approve a final development plan, property located at 5433 Mt. View Parkway (2.07 acres), to permit a 3,812 sq. ft. bank, requested by ETI Corporation, applicant for First Tennessee Bank, owner. | - Approve with conditions |
| 13. | 37-79-U-13 | The Crossing at Hickory Hollow - Request to cancel a portion of a Planned Unit Development located at 5433 Mt. View Parkway | - Approve |

PRELIMINARY SUBDIVISION PLATS

- | | | | |
|-----|---------------|---|------------------------|
| 14. | 2006S-007G-13 | Edge-O-Lake Meadows - Request for preliminary plat approval to create 32 single-family lots located at Willowbranch Drive and Murfreesboro Pike | - Approve w/conditions |
| 18. | 2006S-097U-13 | Stonebridge - Request for final plat approval to removed the reserve parcel status from parcel "B" and to create 3 lots on the south side of Anderson Road (unnumbered), approximately 165 feet south of Towne Village Drive (.95to create 12 lots located on the south side of Solon Drive | - Approve w/conditions |

PLANNED UNIT DEVELOPMENTS (revisions)

- | | | | |
|-----|--|--|------------------------|
| 19. | 206-69-G-13 | Drury Inn Amended Preliminary PUD - Request to amend a portion of the Commercial Planned Unit Development district located at 343, 347 Harding Place, and 309 South Perimeter Park Drive to permit 207,689 square feet of hotel and restaurant uses | - Approve w/conditions |
| 20. | 28-79-G-13 | Cambridge Forest Phase 6 - Request for final approval of a Planned Unit Development located west of Bridge Crest Drive for the development of 26 single-family lots | - Approve w/conditions |
| 21. | 170-79-U-07 | Vernon Avenue Homes - Request to revise the preliminary plan and for final approval for a Residential Planned Unit Development located on the east side of Vernon Avenue, south of James Avenue to allow the development of 35 townhomes | - Approve w/conditions |
| 22. | 12-87-P-10 | Chandler Square PUD - Request to cancel a Commercial Planned Unit Development district located at 750 Wedgewood Avenue | - Approve |
| 24. | 2006P-003U-10 | Parkview Towers Beer PUD - Request for preliminary approval for a Planned Unit Development, located at 212 25th Avenue North to permit an existing building an exemption from the minimum distance requirement included in the beer provisions of the Metro Code | - Approve w/conditions |
| 26. | 2006IN-001U | David Lipscomb University - Request to revise a portion of the preliminary master plan for the Institutional Overlay district located between Granny White Pike and Belmont Boulevard, to relocate a 440 car parking structure, including above-ground tennis courts on top of the parking structure | - Approve w/conditions |
| 27. | 2005UD-003G-12 | Carother's Crossing Phase 1 - Request for final approval of an Urban Design Overlay, located at 7244 Carothers Road, classified RM9 and MUL (15.4 acres), to permit the development of 20 detached single family lots | - Approve w/conditions |
| 29. | Adopt revision to the Rules and Procedures of the Metropolitan Planning Commission regarding notification for Public Hearings for amendments to the Subdivision Regulations. | | - Approve |

Ms. Nielson moved and Mr. Ponder seconded the motion, which passed unanimously to approve the Consent Agenda as presented. **(9-0)**

VII. AMEND THE ADOPTED MAJOR STREET PLAN BY REDESIGNATING THE SEGMENT OF OLD HICKORY BOULEVARD BETWEEN I-40 AND OLD CHARLOTTE PIKE FROM S4 SCENIC 4-LANE ARTERIAL TO U4 URBAN 4-LANE ARTERIAL

Staff Recommendation - *Approve*

APPLICANT REQUEST - Amend the adopted *Major Street Plan* by redesignating the segment of Old Hickory Boulevard between I-40 and Old Charlotte Pike from S4 Scenic 4-lane Arterial to U4 Urban 4-lane Arterial

ANALYSIS - The Major Street Plan is proposed to be amended by redesignating the section of Old Hickory Boulevard between I-40 and Old Charlotte Pike from an S4 Scenic 4-lane Arterial to a U4 Urban 4-lane Arterial. This change is recommended to better coordinate the planned cross-section for this section of Old Hickory Boulevard with its planned land use, which is Commercial Mixed Concentration (CMC). CMC policy is intended to produce a high-intensity mixed use environment that is better suited to a narrower Urban than a Scenic Arterial cross section*, which is more appropriate in lower density environments. Additionally, Old Hickory Boulevard will intersect another U4 Arterial, Charlotte Pike, midway through this section, and will connect to a U4 section of Old Hickory Boulevard south of the section recommended for amendment.

The recommended change would have been included in the forthcoming Major Street Plan update, but a development proposal along Old Hickory Boulevard (Zone Change 2006SP-034G-06) has prompted the timing of this amendment.

*Standard S4 cross section is 150' total including a landscaping easement while the standard U4 cross section is 84'

Approved, (9-0) *Consent Agenda*

Resolution No. RS2006-079

“BE IT RESOLVED by The Metropolitan Planning Commission that the Amendment of the Adopted Major Street Plan by Redesigning the Segment of Old Hickory Boulevard between I-40 and Old Charlotte Pike From S4 Scenic 4-Lane Arterial to U4 Urban 4-Lane Arterial is **APPROVED. (9-0)**”

VIII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING

TEXT AMENDMENTS

1. 2006Z-017T

A request to amend various sections of the Metro Zoning Code relative to landscaping and tree protection requirements, requested by the Codes Department.

The Metropolitan Planning Commission DEFERRED 2006Z-017T indefinitely at the request of the applicant. (9-0)

PRELIMINARY SUBDIVISION PLATS

2. 2006S-068U-03

Fairview Subdivision, Portion of Tract 8
Map 069-08, Parcel Part Of 001
Subarea 3 (2003)
District 1 - Brenda Gilmore

A request for final plat approval to create 5 lots located on the south side of West Hamilton Road, approximately 200 feet west of Clarksville Pike (1.85 acres), zoned RS15, requested by Vincent T. Scaff, owner, Hart Freeland & Roberts, surveyor.

The Metropolitan Planning Commission DEFERRED 2006S-068U-03 to March 23, 2006, at the request of the applicant. (9-0)

**IX. PUBLIC HEARING:
ZONING MAP AMENDMENTS AND TEXT AMENDMENTS**

3. 2006Z-014T

Amend Zoning Code sections 17.04.060B and 17.24.070 and adopting Zoning Code section 17.12.120 to implement conservation subdivisions requested by Councilmember David Briley.

Staff Recommendation - Approve

REQUEST -Amend Zoning Code sections 17.04.060B and 17.24.070 and adopting Zoning Code section 17.12.120 to implement conservation subdivisions.

Amend 17.04.060.B

Definitions of General Terms - Add “conservation land” to the list of general terms to define the land to be set aside for permanent protection in a conservation subdivision.

Add “conservation subdivision” to the list of general terms to define this type of residential development.

Adopt 17.12.120 - Adopt new section to add text providing the bulk standards particular to conservation subdivisions including minimum area and lot size, maximum lot yield, limited to single-family residential and alternative setback standards.

Amend 17.24.070 - Amend to describe circumstances where a scenic landscape easement may not be required for a conservation subdivision.

ANALYSIS

Existing Law - Currently, the Zoning Code bulk standards do not permit reductions in minimum lot sizes in the AG, AR2a, R80, RS80, R40 and RS40 zoning districts sufficient to encourage the conservation of 50 percent or more of a tract to allow for the protection of unique natural, cultural, and historical resources.

Proposed Text Change - The proposed changes to the Zoning Code permit reductions in minimum lot sizes in the AG, AR2a, R80, RS80, R40 and RS40 zoning districts for single-family residential developments while providing a transition area to avoid negatively impacting neighboring properties.

Changes in minimum lot sizes.

1) Reductions in Minimum Lot Sizes. Up to 50 percent of the tract may be proposed for the development of single-family lots that contain less land area than normally required by Table 17.12.020A of the Zoning Code for AG, AR2a, RS80, R80, RS40 and R40 zoning districts. The table below will be made part of the Zoning Code as Table 17.12.120.

2) Separation Requirements. The amount of reduction of the minimum lot size of the base zone is determined by the distance of the lot from the neighboring properties. Conservation subdivisions require that the lots closest to neighboring development be the largest or reflect the lot size of the neighboring development. This encourages the edge lots in the Conservation subdivision to blend into their surroundings. The proposed Table 17.12.120 lists the separation distance necessary to reduce a minimum lot size. A lot less than 50 feet from a neighboring property must be the lot size required by base zoning or the Metro Planning Commission (MPC) may allow the lot to be the same size as the adjacent lots in the neighboring development if those lots are smaller than the base zoning in the conservation subdivision. A lot 50 to less than 100 feet from a neighboring property, 100 to less than 150 feet, or 150 to less than 200 feet from a neighboring property may be reduced in accordance with Table 17.12.120 or the MPC may allow the lot to be the same size as the lots in the neighboring development. The separation is measured from property line to property line. There is no minimum lot size for a lot over 200 feet from an abutting track of land, development, or subdivision.

Table 17.12.120 Minimum Lot Size for Conservation Subdivisions

Zoning District	Minimum Lot Size	Separation Requirements (in linear feet) for Reduced of Minimum Lot Size				
		=200	150-<200	100 - <150	50-<100	<50
AG	5 acres	none	30,000 sq.ft.	40,000 sq.ft.	80,000 sq.ft.	5 acres
AR2a	2 acres sq.ft.	none	20,000 sq.ft.	30,000 sq.ft.	40,000 sq.ft.	2 acres
RS80, R80	80,000 sq.ft.	none	20,000 sq.ft.	30,000 sq.ft.	40,000 sq.ft.	80,000 sq.ft.
RS 40, R40	40,000 sq.ft.	none	15,000 sq.ft.	20,000 sq.ft.	30,000 sq.ft.	40,000 sq.ft.

Alternative bulk standards. The MPC may allow alternative setbacks if it is found that the alternatives would result in a development that would equal or exceed the objectives of conservation subdivisions.

Scenic Landscape Easements. Landscape buffers would not be required along scenic arterials where a conservation subdivision provides for a scenic easement 50 feet or greater.

STAFF RECOMMENDATION - Approve. This text amendment enables the development of conservation subdivisions by allowing sufficient reduction in lot sizes to ensure 50 percent or more of a tract can be permanently preserved in order to preserve unique natural, cultural, and historical resources. By requiring larger lots or lots that match neighboring development on the edge of the development, transitioning into smaller lots in the center, Conservation Subdivisions create rural hamlets nestled among natural features, instead of houses placed across the land without regard to hills, creeks, or scenic views.

A copy of the draft ordinance is enclosed with the Commissioner's copies of this staff report.

Resolution No. RS2006-080

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-014T is **APPROVED. (9-0)**"

4. **2005Z-139G-12**
 Map 173-00, Parcel 005
 Subarea 12 (2004)
 District 31 - Parker Toler

A request to change from AR2a to RS10 district property located at 1160 Barnes Road (19.33 acres), requested by Hickory Holdings, LLC, owner.

The Metropolitan Planning Commission DEFERRED 2005Z-139G-12 indefinitely at the request of the applicant. (9-0)

5. **2006Z-024U-12**
 Map 147-07, Parcel 107
 Subarea 12 (2004)
 District 27 - Randy Foster

A request to change from R6 to CL district property located at 4416 Bass Avenue, approximately 300 feet west of Nolensville Pike (0.12 acres), requested by Dana A. Moore, owner.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Request to change 0.12 acres from Residential Single-Family and Duplex (R6) to Commercial Limited (CL) zoning, on property located at 4416 Bass Avenue, approximately 300 feet west of Nolensville Pike.

Existing Zoning

R6 district - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots.

Proposed Zoning

CL district - Commercial Limited is intended for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices.

SOUTHEAST COMMUNITY PLAN POLICY

Residential Medium High (RMH) - RMH policy is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate. The most common types include attached townhomes and walk-up apartments.

Policy Conflict - Yes. The commercial uses as permitted within the proposed CL zoning district are not consistent with the Residential Medium High policy, which applies to the majority of the properties on the northwest side of Bass Avenue. Parcel 099, to the immediate north of this property, is currently undeveloped, along with the majority of the properties to

the west, which are also zoned R6.

In addition to the inconsistency with land use policy and the largely undeveloped context to the north and west of this property, Bass Avenue appears on Metro maps as public right-of-way up to parcel 103, yet it is unbuilt past the property subject to rezoning. The part of Bass Avenue that is currently constructed is little more than a gravel driveway. It would not be appropriate to intensify commercial zoning and uses along such an unimproved right-of-way.

Though there is a substantial grade difference moving west of this property, higher density residential development can be reasonably envisioned for this area, compatible with the nearby residentially-zoned and developed properties along the northern side of Winston Avenue (to the north). Such multi-family development, as called for by the Community Plan, would need to take into account the hill that gently slopes up to the west.

Staff Recommendation - Staff recommends **disapproval** of the rezoning to CL as inconsistent with the residential policy of the Community Plan, and the poor ingress/egress to the site, given the inadequate condition of Bass Avenue, which serves as the principal access to this property.

RECENT REZONINGS - None.

PUBLIC WORKS RECOMMENDATION - No Exceptions Taken.

Typical Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.12	6.17	1	10	1	1

Typical Uses in Proposed Zoning District:CL

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office Building Low Rise (710)	0.12	0.296	1,547	54	2	2

Change in Traffic Between Typical uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	0.12			44	1	1

METRO SCHOOL BOARD REPORT - While the proposed zone district, Commercial Limited, does allow several residential uses under a set of conditions as defined in the Metro Zoning Code, a negligible number of students would be generated with this rezoning.

Mr. Pereira presented and stated that staff is recommending disapproval.

Mr. Dana Moore, owner, spoke in favor of the proposal. He presented photos to the Commission. He did not leave them for the record.

Councilman Foster spoke in favor of the proposal. He stated he held a public meeting for those who would be affected by this proposal and stated he received only favorable comments. He briefly explained his concerns associated with the proposal and requested its approval.

Mr. Ponder acknowledged the intentions of the staff recommendation, but explained that due to the topography of the surrounding properties, the request to zone to CL could be warranted.

Mr. Clifton requested additional clarification on the constructability on surrounding parcels in relation to the proposal.

Mr. McLean explained that he was in agreement with Councilman Foster.

Ms. Nielson acknowledged the proposal would not be creeping into an already established residential area.

Mr. Loring spoke in favor of rezoning the parcel to commercial.

Mr. Loring moved and Mr. Ponder seconded the motion, which passed unanimously to disapprove staff recommendation and to approve Zone Change 2006Z-024U-12. (9-0)

Resolution No. RS2006-081

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-024U-12 is **APPROVED. (9-0)**

Although the request is not consistent with the Southeast Community Plan’s Residential Medium High policy, the Commission determined that because the property is so small, and that it slopes up towards the residential area that the rezoning is appropriate.”

6. **2006Z-028G-12**
Map 172-00, Parcel 023
Subarea 12 (2004)
District 31 - Parker Toler

A request to apply a Neighborhood Landmark Overlay District to the Oglesby Community Club located at 5724 Edmondson Pike, approximately 565 feet south of Old Hickory Boulevard (1.47 acres), requested by Councilmember Parker Toler, for Oglesby Community Club, owner.

Staff Recommendation - Approve

APPLICANT REQUEST - Apply the Neighborhood Landmark Overlay district to an AR2a district property located at 5724 Edmondson Pike, approximately 565 feet south of Old Hickory Boulevard (1.47 acres).

Existing Zoning

AR2a district - Agricultural/residential requires a minimum lot size of two acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres.

Proposed Overlay District

Neighborhood Landmark Overlay District (NLOD) - The Neighborhood Landmark Overlay District is intended to preserve and protect landmark features whose demolition or destruction would constitute an irreplaceable loss to the quality and character of the neighborhood in which the feature is located. Creating an NLOD is the first step in a two-step process. If the Metro Council approves the NLOD district, the Planning Commission must then approve a Neighborhood Landmark Development plan. The site plan will address site design, specific uses, building scale, landscaping, massing issues, parking lot access, and lighting.

Under Chapter 17.36.420 of the Zoning Code, a neighborhood landmark is defined as a feature that “has historical, cultural, architectural, civic, neighborhood, or archaeological value and/or importance; whose demolition or destruction would constitute an irreplaceable loss to the quality and character of a neighborhood.” To be eligible for application of the Neighborhood Landmark Overlay District, a property must meet one or more of the criteria set out in 17.36.420, which are:

1. It is recognized as a significant element in the neighborhood and/or community;
2. It embodies characteristics that distinguish it from other features in the neighborhood and/or community.
3. Rezoning the property on which the feature exists to a general zoning district inconsistent with surrounding or adjacent properties such as, office, commercial, mixed-use, shopping center, or industrial zoning district would significantly impact the neighborhood and/or community;
4. Retaining the feature is important in maintaining the cohesive and traditional neighborhood fabric;
5. Retaining the feature will help to preserve the variety of buildings and structures historically present within the neighborhood recognizing such features may be differentiated by age, function and architectural style in the neighborhood and/or community;
6. Retaining the feature will help to reinforce the neighborhood and/or community’s traditional and unique character.

CRITERIA FOR CONSIDERATION - The Community Center at 5724 Edmondson Pike would also have to meet the 6 criteria for consideration outlined in Section 17.40.160 of the Zoning Code:

1. The feature is a critical component of the neighborhood context and structure.
2. Retention of the feature is necessary to preserve and enhance the character of the neighborhood.
3. The only reason to consider the application of the NLOD is to protect and preserve the identified feature.
4. There is acknowledgement on the part of the property owner that absent the retention of the feature, the base zoning district is proper and appropriate and destruction or removal of the feature is justification for and will remove the NLOD designation and return the district to the base zoning district prior to the application of the district.
5. It is in the community's and neighborhood's best interest to allow the consideration of an appropriate NLOD Plan as a means of preserving the designated feature.
6. All other provisions of this section have been followed.

SOUTHEAST COMMUNITY PLAN

Residential Low Medium (RLM) - RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Policy Conflict - No. The Neighborhood Landmark Overlay district does not change the existing residential base zone district, but can provide additional restrictions that protect the property. Actual uses for the property are not considered or approved until after the Metro Council establishes the overlay. A Final Site Plan, including a Public Hearing at the Planning Commission, would be required in order for changes to be made to the site and for the establishment of different uses.

National Register Listed Property - Oglesby School was included on the National Register of Historic Places in 2002. The National Register of Historic Places is the Nation's official list of cultural resources worthy of preservation. Properties listed in the Register include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, engineering, and culture.

History - The Oglesby School/Oglesby Community House is listed in the National Register of Historic Places for its significance in Davidson County's social and educational history. Constructed in 1898, it is also an excellent surviving example of a rural schoolhouse built to standard plans designed to improve the educational environment. It served grades one through eight until 1931, when it became the primary meeting place for community organizations including 4-H, Home and Farm Demonstration clubs, and Future Farmers and Homemakers of America. The Oglesby Home Demonstration Club has met here since the 1920s and is an important link to the county's rural past.

STAFF FINDINGS

Extent of Staff Review - There is no requirement that an overlay site plan be prepared until after Metropolitan Council has adopted the overlay district. Staff review has been limited to determining eligibility for, and evaluating the appropriateness of, the overlay district and ensuring that the criteria for Planning Commission approval have been met.

Staff recommends **approval** of the Neighborhood Landmark Overlay District for this property.

Approved, **(9-0) Consent Agenda**

Resolution No. RS2006-082

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-028G-12 is **APPROVED. (9-0)**”

The proposal meets the criteria for a Neighborhood Landmark Overlay, and is not inconsistent with the Southeast Community Plan's Residential Low medium policy because it does not change the existing residential base zone.”

7. **2006Z-031U-11**
 Map 093-16, Parcels 025, 027, 028
 Subarea 11 (1999)
 District 17 -Ronnie E. Greer

A request to change from OR20 and MUN to MUL district, property located at 101, 103, and 107 Charles E. Davis Boulevard, northeast corner of Charles E. Davis Boulevard and Cannon Street (.48 acres), requested by M.D.H.A. and United Neighborhood Health Services, owners.

Staff Recommendation - Approve

APPLICANT REQUEST - Request to change 0.48 total acres from Office/Residential (OR20) and Mixed Use Neighborhood (MUN) to Mixed Use Limited (MUL), property located at 101, 103 and 107 Charles E. Davis Boulevard at the northeast corner of Charles E. Davis Boulevard and Cannon Street.

Existing Zoning

OR20 district - OR20 is intended for office and/or residential multi-family uses up to 20 dwelling units per acre.
 MUN district - Mixed Use Neighborhood is intended for a low intensity mixture of residential, retail, and office uses.

Proposed Zoning

MUL district - Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant and office uses.

SOUTH NASHVILLE COMMUNITY PLAN POLICY

Existing Plan Policy

Residential Medium (RM) - RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Special Policy statement - *“The long range recommendations for area 5E include the use of compatible scale infill development to stabilize the area and continued public investments...”*

Policy Conflict - No. This application will allow for the public investment of a health clinic to serve the immediate neighborhood. The Napier and Sudekum Public Housing Developments are part of a larger community that was formerly served by General Hospital which closed in the late 1990s. The United Neighborhood Health Services and MDHA have worked together since the closing of General Hospital to provide accessible health services to this community. MDHA and UNHS renovated an apartment to provide health services. The space has been outgrown.

The partnership is now ready to construct a freestanding Southside Health Center with 6,000 square feet at this location, on the corner of Charles Davis Boulevard and Cannon Street. The goal is to serve 3,000 residents of the area and to staff the center with 3 full-time medical providers and provide mental health and social services.

METRO SCHOOL BOARD REPORT

Projected student generation **4** Elementary **3** Middle **2** High

Schools Over/Under Capacity - Students would attend Hickman Elementary School, Donelson Middle School, or McGavock High School. Donelson Middle School and McGavock High School have been identified as being over capacity by the Metro School Board. There is capacity at an elementary school within the cluster. There is high school capacity in the adjacent Glencliff and Stratford clusters. This information is based upon data from the school board last updated December 13, 2005.

RECENT REZONINGS - None.

PUBLIC WORKS - No exceptions taken

Typical Uses in Existing Zoning District: OR20 and MUN

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.48	0.26	5,436	142	19	85

Typical Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gas Station with Convenience Market (945)	0.48	0.12*	2,509	409	26	34

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	0.48		-2,927	267	7	-51

Maximum Uses in Existing Zoning District: OR20 and MUN

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.48	0.26	5,436	142	19	85

Maximum Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gas Station with Convenience Market (945)	0.48	0.12*	2,509	409	26	34

*Adjusted as per use

Change in Traffic Between Maximum Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	0.48		-2,927	267	7	-51

Approved, (9-0) *Consent Agenda*

Resolution No. RS2006-083

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-031U-11 is **APPROVED. (9-0)**

The proposed MUL district is consistent with the South Nashville Community Plan’s residential medium and special policy. Residential Medium policy is for residential development with a density range of 4 to 9 dwelling units per acre, and the special policy for this area that supports public investments that are compatible in scale. The application will allow for a health clinic to serve the immediate community.”

8. **2006Z-032U-05**
 Map 072-13, Parcel 459
 Subarea 5 (1994)
 District 5 - Pam Murray

A request to apply a Historic Landmark Overlay District to property located at 1220 Gallatin Pike, approximately 155 feet south of Douglas Avenue, zoned CL District and within a Planned Unit Development District (.28 acres), requested by Metro Historical Commission, applicant, Wal-Mart Real-Estate Business Trust, owner.

Staff Recommendation -*Approve*

APPLICANT REQUEST - A request to apply the Historic Landmark Overlay district to a CL zoned property at 1220 Gallatin Pike (0.28 acres).

Existing Zoning

CL district -Commercial Limited is intended for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices.

Proposed Zoning

Historic Landmark Overlay -Designation as a Historic Landmark Overlay recognizes the landmark's historical significance and with that recognition, protects the building or site's unique character thru review of exterior work on buildings. Historic landmarks are locally designated and administered by the Metropolitan Historic Zoning Commission (MHZC), an agency of the Metropolitan Government of Nashville and Davidson County. Designation as a historic landmark is a type of overlay zoning that applies in addition to the base or land use zoning of an area; it has no impact on use.

The Historic Landmark is most often also listed in the National Register of Historic Places either individually or as part of a district. The National Register is a federal program administered by the Department of the Interior. Unless federal funds are used for a project, listing in the National Register has no impact on what one does to one's property. Listing in the National Register is honorary -- a way to recognize the district as an intact and important part of the histories of Nashville and the United States of America.

EAST NASHVILLE COMMUNITY PLAN POLICY

Mixed Use (MU)- MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density.

Policy Conflict -No. The Historic Landmark Overlay (HLO) district is consistent with the MU policy and the requirements for establishing a historic landmark district. Section 17.36.120 of the Zoning Ordinance states that the following should be considered for establishing an historic landmark:

1. The historic landmark is associated with an event that has made a significant contribution to local, state or national history;
2. It is associated with the lives of persons significant in local, state or national history;
3. It embodies the distinctive characteristics of a type, period or method of construction, or that represents the work of a master, or that possesses high artistic value;
4. It has yielded or may be likely to yield archaeological information important in history or prehistory; or
5. It is listed or is eligible for listing in the National Register of Historic Places.

Recommendation - Approve. The Metro Historic Zoning Commission has recommended approval of the property, which is known as the Fire Hall for Engine Company No. 18, as a historic landmark district, as it is eligible for listing in the National Register of Historic Places. The fire hall is on the same property as the recently approved Wal-Mart Neighborhood Market south of Douglas Avenue. The Tudor Revival style building was built in 1930 and holds significance for Nashville's early suburban growth in the Inglewood area.

In addition, the associated Planned Unit Development (PUD) approved for this property required the existing fire hall to remain to be used for office or retail uses.

RECENT REZONINGS - None.

PUBLIC WORKS RECOMMENDATION -No exception taken

Approved, (9-0) *Consent Agenda*

Resolution No. RS2006-084

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-032U-05 is **APPROVED. (9-0)**

The proposed Historic Landmark Overlay district is consistent with the East Nashville Community Plan's Mixed Use policy, and meets the requirements for establishing a historic landmark district."

-
9. **2006Z-033U-05**
Map 082-03, Parcels 229, 230
Subarea 5 (1994)
District 5 - Pam Murray

A request to apply a Historic Landmark Overlay District to property located at 908 and 914 Meridian Street, zoned RS5

District (1.23 acres), requested by Metro Historical Commission, applicant, Woodbine Community Organization and Ray of Hope Community Church, owners.

Staff Recommendation - Approve

APPLICANT REQUEST - A request to apply the Historic Landmark Overlay district to an RS5 zoned property (1.23 acres) at 908 and 914 Meridian Street.

Existing Zoning

RS5 district -RS5 requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre.

Proposed Zoning

Historic Landmark Overlay -Designation as a Historic Landmark Overlay honors the landmark's historical significance and with that recognition, protects the building or site's unique character thru review of exterior work on buildings. Historic landmarks are locally designated and administered by the Metropolitan Historic Zoning Commission (MHZC), an agency of the Metropolitan Government of Nashville and Davidson County. Designation as a historic landmark is a type of overlay zoning that applies in addition to the base or land use zoning of an area; it has no impact on use.

The Historic Landmark is most often also listed in the National Register of Historic Places either individually or as part of a district. The National Register is a federal program administered by the Department of the Interior. Unless federal funds are used for a project, listing in the National Register has no impact on what one does to one's property. Listing in the National Register is honorary -- a way to recognize the district as an intact and important part of the histories of Nashville and the United States of America.

EAST NASHVILLE COMMUNITY PLAN POLICY

Neighborhood General (NG) -NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Policy Conflict

The Historic Landmark Overlay (HLO) - district is consistent with the NG policy and the requirements for establishing a historic landmark district. Section 17.36.120 of the Zoning Ordinance states that the following should be considered for establishing an historic landmark:

1. The historic landmark is associated with an event that has made a significant contribution to local, state or national history;
2. It is associated with the lives of persons significant in local, state or national history;
3. It embodies the distinctive characteristics of a type, period or method of construction, or that represents the work of a master, or that possesses high artistic value;
4. It has yielded or may be likely to yield archaeological information important in history or prehistory; or
5. It is listed or is eligible for listing in the National Register of Historic Places.

Recommendation-Approve. The Metro Historic Zoning Commission has recommended approval of both properties, known as the McGavock house (908 Meridian) and former office of the Police Athletic League (914 Meridian). The McGavock house was built between 1820 and 1845 and is now owned by the Ray of Hope Community Church and is leased by, Better Tomorrows, that works to educate adults without a high school diploma. Several renovations have been done to the property, with the latest in the 1950s. This property is eligible for listing in the National Register of Historic Places.

The former office of the Police Athletic League is part of the McGavock estate, which was used to involve police officers as coaches and mentors for troubled youth. This property was subdivided as a separate parcel of the McGavock estate in 1905. The ownership and family and builder history could place this property in a position for significance for individual listing.

RECENT REZONINGS -None.

PUBLIC WORKS RECOMMENDATION -No exception taken

Approved, (9-0) *Consent Agenda*

Resolution No. RS2006-085

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-033U-05 is **APPROVED. (9-0)**”

The proposed Historic Landmark Overlay district is consistent with the East Nashville Community Plan's Neighborhood General policy, and meets the requirements for establishing a historic landmark district."

10. 2006SP-034G-06

Map 114, Parcels 127, 128, 269, 270
Subarea 6 (2003)
District 22 - Eric Crafton

A request to change from CS, OR20 and AR2a to SP district property located at 7416 Old Charlotte Pike, Sawyer Brown Road (unnumbered) and Charlotte Pike (unnumbered) (22.98 acres), to construct 122 multi-family units, requested by Anderson, Delk, Epps and Associates, applicant, for Louis McRedmond Investment Group L.P., owner.

Staff Recommendation -*Approve with conditions*

APPLICANT REQUEST - Rezone 22.98 acres from office/residential (OR20), agricultural/residential (AR2a), and commercial service (CS) to specific plan (SP) district at 7416 Old Charlotte Pike, Sawyer Brown Road (unnumbered) and Charlotte Pike (unnumbered)

Existing Zoning

OR20 district -Office/Residential is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

AR2a district -Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres.

CS district - Commercial Service is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto-repair, auto sales, self-storage, and light manufacturing and small warehouse uses.

Proposed Zoning

SP district -Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a new base zoning district, not an overlay. It will be labeled on zoning maps as "SP."
- The SP District is not subject to the traditional zoning districts' development standards. Instead, urban design elements are determined for the specific development and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

BELLEVUE COMMUNITY PLAN

Commercial Mixed Concentration(CMC) -CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

Residential Low Medium (RLM) -RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Policy Conflict -As proposed, the overall density of the site plan is consistent with the CMC and RLM policies. The CMC policy allows for higher density residential and RLM policy allows for 2 to 4 units per acre. The density of the project is 5.37 units per acre, which is consistent with the average density allowed for both land use policies.

Preliminary Plan Details - The plan proposes 122 multi-family units with access off of Old Hickory Boulevard and Charlotte Pike. The proposed units front on the interior streets with additional buffering to the surrounding streets.

Staff met with the applicant to discuss the design of the project. Staff recommended a redesign of the project to have the units fronting on Sawyer Brown Road, which would create more of a neighborhood feel along Sawyer Brown Road by creating a streetscape. The applicant indicated that a redesign of the plan to front the units on Sawyer Brown road would not be appropriate due to the existing topography. The applicant proposes a 10' landscape easement along Sawyer Brown, as well as, a 20' landscape easement along Old Hickory Boulevard for additional buffering to screen the backs of the units from the street. Although staff's preference would be to create a strong streetscape with the units facing the street, the landscape easements are another alternative to address the existing development pattern and character of the area.

The Major Street Plan calls for Old Hickory Boulevard as a Scenic Arterial (S4) street requiring 150' right-of-way (ROW). A subarea plan amendment and amendment to the Major Street plan has been requested to classify it as an Urban Arterial (U4), which requires 84' ROW. Staff recommends approval of the Major Street Plan amendment to a "U4" street. If the Commission does not recommend approval of the amendment, then this rezoning should be deferred or disapproved.

Sidewalks are not required along the existing streets since it is within the General Services District (GSD), however, sidewalks are provided within the proposed development.

There are 2 phases proposed. Phase 1 proposes 72 units and phase 2 proposes 50 units.

RECENT REZONINGS - None.

STORMWATER RECOMMENDATION- Approved except as noted.

1. Buffer Note "(The buffer along waterways will be an area where the surface is left in a natural state, and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 - Regulations.)"
2. Culvert Note "(Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in Metro ROW is 15" CMP).)"

Note: This project will be required to receive an appeal from the Stormwater Management Committee for road crossings.

PUBLIC WORKS RECOMMENDATION

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.
2. Plans for solid waste collection and disposal must be approved by the Public Works Solid Waste Division.
3. Show ST200 curb and gutter on Private streets.

In accordance with the TIS:

1. The project access to Old Hickory Blvd shall be constructed to provide one lane for entering and two lanes for exiting with 50' of storage each.
2. Construct a northbound left turn lane on Old Hickory Blvd at the project entrance, with 75 feet of storage, and AASHTO/ MUTCD tapers.
3. The project access to Charlotte Pike shall be constructed to provide one lane for entering and two lanes for exiting with 50' of storage each.
4. Construct a eastbound left turn lane on Charlotte Pike at the project entrance, with 75 feet of storage, and AASHTO/ MUTCD tapers.
5. Improvements along Old Hickory Boulevard (items 1 & 2) shall be bonded and installed with the first phase of development.
6. Improvements along Charlotte Pike (items 3 & 4) shall be bonded and installed with the second phase of development.

CONDITIONS

1. Comply with Public Works conditions listed above.

2. Prior to the approval of the Final development plan, Metro Stormwater is to review and approve the plans.
3. Any changes on the final development plan from this preliminary site plan may require a new preliminary plan if the changes are deemed significant by planning staff.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission approval, the property shall be subject to the standards, regulations and requirements of the RM6 zoning district, which must be shown on the plan.

Ms. Harris presented and stated that staff is recommending approval with conditions.

Mr. Tom White, 315 Deadrick Street, spoke in favor of the proposal.

Mr. James Smith, 7602 Old Charlotte Pike, spoke in opposition to the proposal.

Mr. Greg Walton, 720 Old Hickory Blvd., spoke in opposition to the proposal.

Ms. Pam Walton, 720 Old Hickory Blvd., spoke in opposition to the proposal.

Mr. Steve Hawkins, 7466 Old Charlotte Road, spoke in opposition to the proposal.

Mr. Dan Pfeiffer, 7521 Oakhaven Trace, spoke in opposition to the proposal.

Mr. Marshall Aiken, 6916 Gower Road, spoke in opposition to the proposal.

Mr. Vaughn Hawkins, 7466 Old Charlotte Road, spoke in opposition to the proposal.

Mr. Mike Anderson, Anderson, Delk & Associates, spoke in favor of the proposal.

Ms. Nielson requested additional information on the potential building possibilities of the parcel as it was currently zoned.

Mr. McLean questioned the number of units being proposed for the parcel.

Mr. Clifton spoke of lot frontages and design in relation to the proposal. He acknowledged the concerns mentioned by area residents. He then spoke of the potential building possibilities on the parcel as it was currently zoned.

Ms. Cummings mentioned an issue regarding the orientation of the project. She also suggested that the Planning staff update the website to include information related to SP zoning.

Mr. Bernhardt acknowledged this request.

Mr. Tyler expressed an issue with the description that would be necessary to fully explain the SP rezoning. He then requested additional information regarding the zoning of surrounding properties in relation to this proposal. He acknowledged the density concerns mentioned by area residents. He then questioned staff on the flexibility of SP zoning.

Mr. Bernhardt explained the concepts of SP zoning to Mr. Tyler.

Mr. Ponder requested additional information regarding the orientation of the proposal and then suggested alternative ideas for the proposal. He then requested additional information on the number of units that could be placed on the parcel as it was currently zoned.

Mr. Loring spoke favorably of the proposal and mentioned the down zoning included in the SP zoning. He moved for its approval.

Ms. Jones expressed a concern regarding the orientation of the proposal in relation to Sawyer Brown Road. She encouraged altering the placement of homes to exhibit more of a community feel for the residents. She seconded the motion.

Mr. Ponder questioned whether a community meeting could be held in order to allow the developer meet with area residents to address the orientation issues associated with the proposal.

Mr. Bernhardt stated that the staff recommendation allows this flexibility.

Mr. Loring moved and Ms. Jones seconded the motion, to approve staff recommendation on Zone Change 2006SP-034G-06 to include a strong recommendation that staff review and improve design criteria along Sawyer Brown and Old Hickory Boulevard. (9-0)

Mr. Small added that he would like to see that the community be involved in the review.

Resolution No. RS2006-086

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-034G-06 is **APPROVED WITH CONDITIONS (9-0), with the recommendation that the applicant work with the Planning Department staff to improve the site design, and specifically to front some of the townhome units onto the streets.**

Conditions of Approval:

STORMWATER RECOMMENDATION- Approved except as noted.

1. Buffer Note "(The buffer along waterways will be an area where the surface is left in a natural state, and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 - Regulations.)"
2. Culvert Note "(Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in Metro ROW is 15" CMP).)"

Note: This project will be required to receive an appeal from the Stormwater Management Committee for road crossings.

PUBLIC WORKS RECOMMENDATION

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.
2. Plans for solid waste collection and disposal must be approved by the Public Works Solid Waste Division.
3. Show ST200 curb and gutter on Private streets.

In accordance with the TIS:

1. The project access to Old Hickory Blvd shall be constructed to provide one lane for entering and two lanes for exiting with 50' of storage each.
2. Construct a northbound left turn lane on Old Hickory Blvd at the project entrance, with 75 feet of storage, and AASHTO/ MUTCD tapers.
3. The project access to Charlotte Pike shall be constructed to provide one lane for entering and two lanes for exiting with 50' of storage each.
4. Construct a eastbound left turn lane on Charlotte Pike at the project entrance, with 75 feet of storage, and AASHTO/ MUTCD tapers.
5. Improvements along Old Hickory Boulevard (items 1 & 2) shall be bonded and installed with the first phase of development.
6. Improvements along Charlotte Pike (items 3 & 4) shall be bonded and installed with the second phase of development.

CONDITIONS

1. Prior to the approval of the Final development plan, Metro Stormwater is to review and approve the plans.
2. Any changes on the final development plan from this preliminary site plan may require a new preliminary plan if the changes are deemed significant by planning staff.
3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or

included as a condition of Commission approval, the property shall be subject to the standards, regulations and requirements of the RM6 zoning district, which must be shown on the plan.

The over all density with the proposed site plan is consistent with the Bellevue Community Plan's Commercial Mixed Concentration and Residential Low Medium policies. While the density is consistent applicants are instructed to work with planning staff on design issues pertaining to lot orientation along existing roads."

11. **2006Z-036G-14**
Map 086-14, Parcels 011, 012
Subarea 14 (2004)
District 14 - Harold White

A request to apply a Neighborhood Landmark Overlay District to two properties located at 400 and 404 Wisteria Lane, at the northwest corner of Wisteria Lane and Central Pike (0.46 acres), zoned R8 District, requested by Jane Gardner, owner.

The Metropolitan Planning Commission DEFERRED Zone Change 2006Z-036G-14 indefinitely at the request of the applicant. (9-0)

12. **2006SP-041U-13**
Map 163, Parcel 278
Subarea 13 (2003)
District 32 - Sam Coleman

A request to change from R10 to SP zoning, and approve a final development plan, property located at 5433 Mt. View Parkway (2.07 acres), to permit a 3,812 sq. ft. bank, requested by ETI Corporation, applicant for First Tennessee Bank, owner.

Staff Recommendation - *Defer until Stormwater has completed technical review*

APPLICANT REQUEST - A request to change from single-family and duplex district (R10) to SP (Specific Plan) district (2.07 acres), and approval of the final development plan for property located at 5433 Mt. View Parkway to permit the development of a 3,812 square foot bank.

Existing Zoning/Overlay

R10 district - R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

Commercial PUD - A commercial PUD overlay currently exists over the site. The original preliminary PUD plans cannot be located, so staff recommended that the applicants cancel this portion of the PUD, and that they apply for a new SP district.

Proposed Zoning

SP district - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a new base zoning district, not an overlay. It will be labeled on zoning maps as "SP."
- The SP District is not subject to the traditional zoning districts' development standards. Instead, urban design elements are determined **for the specific development** and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

ANTIOCH/PRIEST LAKE COMMUNITY PLAN

Regional Activity Center (RAC) -RAC policy is intended for concentrated mixed-use areas anchored by a regional mall. Other uses common in RAC policy are all types of retail activities, offices, public uses, and higher density residential areas.

An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Policy Conflict - No the proposed use and site plan is consistent with the area’s policy.

FINAL Plan Details

The final development plan consists of a 3,812 square foot bank with four drive thru lanes, and one automated teller machine (ATM) lane. The development will be located on the northwest corner of Mt. View Road, and Mt. view Parkway.

Access -The development will be accessed from private drives off of Mt. View Road, and Mt. View Parkway.

Pedestrian Connectivity -Sidewalks are shown adjacent the property lines along Mt. View Road, and Mt. View Parkway. A sidewalk connection is also shown from the Mt. View Road/Mt. View Parkway intersection to allow for pedestrian access from the street into the site.

Landscaping Plan/Buffer Yards -A landscape plan is provided. A 20 foot wide landscape buffer is being provided along Mt. View Road and Mt. View Parkway.

FIRE MARSHAL -The Fire Marshal’s office must approve the final development plan.

RECENT REZONINGS -None.

STORMWATER RECOMMENDATION - Under Technical Review

PUBLIC WORKS RECOMMENDATION

1. All Public Works’ design standards shall be met prior to any final approvals and permits issued. Any approval is subject to Public Works’ approval of the construction plans. Final design and improvements may vary based on field conditions.
2. Show and dimension ROW along Mt. View Road and Mt. View Parkway at property corners. Label and show reserve strip for future ROW (42 feet from centerline to property boundary), consistent with the approved major street plan (U4-84’ ROW).
3. The proposed driveway onto Mt. View Road shall be located 185 feet from the intersection of Mt. View Parkway.
4. The proposed driveway onto Mt. View Road shall provide approximately 50 feet of onsite storage.
5. The proposed driveway onto Mt. View Parkway shall provide approximately 85 feet of onsite storage.

Typical Uses in Existing Zoning District: R10/Commercail PUD

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (820)	2.07	unknown	Unknown	NA	NA	NA

Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Drive-in Bank (912)	2.07	n/a	3,812	950	48	175

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				NA	NA	NA

CONDITIONS

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. All signage must comply with the signage shown on the Specific Plan.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

Approved with conditions, **(9-0) Consent Agenda**

Resolution No. RS2006-87

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-041U-13 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. All signage must comply with the signage shown on the Specific Plan.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.

The proposed site plan is consistent with the Antioch/Priest Lake Community Plan's Regional Activity Center policy that is intended for concentrated mixed – use areas anchored by a regional mall.”

-
- 13. 37-79-U-13**
 The Crossing at Hickory Hollow
 Map 163, Parcel 278
 Subarea 13 (2003)
 District 32 - Sam Coleman

A request to cancel a portion of a Planned Unit Development located at 5433 Mt. View Parkway, classified R10 (2.07 acres), requested by ETI Corporation applicant for First Tennessee Bank, owner.

Staff Recommendation - Defer until Stormwater has completed a technical review for the associated SP district.

APPLICANT REQUEST - Cancel PUD

Request to cancel a portion of a residential Planned Unit Development overlay district located at 5433 Mt. View Parkway.

Zoning

R10 District - R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

ANTIOCH/PRIEST LAKE COMMUNITY PLAN

Regional Activity Center (RAC) - RAC policy is intended for concentrated mixed-use areas anchored by a regional mall. Other uses common in RAC policy are all types of retail activities, offices, public uses, and higher density residential areas. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms to the intent of the policy.

Policy Conflict No, the associated SP district and site plan proposed for this property are consistent with the areas policy.

PLAN DETAILS - Applicants are requesting that the PUD overlay district on this property be canceled. The property is within a larger PUD that was originally approved in 1979 for commercial use. Because this is a request to cancel the existing PUD overlay no site plan is required for this application.

PUBLIC WORKS RECOMMENDATION - No Exceptions Taken

Approved, (9-0) *Consent Agenda*

Resolution No. RS2006-88

“BE IT RESOLVED by The Metropolitan Planning Commission that 37-79-U-13 is **APPROVED. (9-0)**

The associated site plan is consistent with the Antioch/Priest Lake Community Plan’s Regional Activity Center policy that is intended for concentrated mixed – use areas anchored by a regional mall.”

X. PRELIMINARY SUBDIVISION PLATS

- 14. 2006S-007G-13**
 Edge-O-Lake Meadows
 Map 149-00, Parcel part of 078, 079, 081, 082, and 83
 Map 149-04, Parcel 272
 Map 149-03, Parcel 140
 Subarea 13 (2003)
 District 29 - Vivian Wilhoite

A request for preliminary plat approval to create 32 single-family lots located at Willowbranch Drive and Murfreesboro Pike, (5.75 acres), zoned RS3.75, requested by Marshall Development, owner/developer, Cherry Land Surveying, surveyor.

Staff Recommendation -*Approve with conditions*

APPLICANT REQUEST -Preliminary Plat

Subdivide 5.75 acres into a 32 single-family lots, along the east side of Murfreesboro Pike, south of Edge O Lake Drive, at Willowbranch Drive.

ZONING

RS3.75 District -RS3.75 requires a minimum 3,750 square foot lot and is intended for single-family dwellings at a density of 9.87 dwelling units per acre.

RS3.75 permits a maximum of 67 lots on this property, while only 32 lots are proposed.

While the Planning Commission recommended disapproval of rezoning these properties to RS3.75, the Metro Council approved the rezonings in 2003, and 2004.

ANTIOCH-PRIEST LAKE COMMUNITY PLAN

Residential Medium High (RMH) -RMH policy is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate. The most common types include attached townhomes and walk-up apartments.

SUBDIVISION DETAILS - The proposed plan for 32 single-family lots accesses Willowbranch Drive and has access through the approved (unbuilt) commercial subdivision along Murfreesboro Pike called Shoppes of Edge O Lake, which was approved by the Planning Commission on January 12, 2006. The proposed plat calls for lots ranging in size from about 3,800 square feet to 5,800 square feet, with one much larger lot. This is not a Cluster Lot subdivision, however, the plan does provide 0.66 acres (11%) Open Space for detention.

The proposed plat is also consistent with the concept plan that was presented to the Planning Department in 2004, when the adjacent properties to the north were given preliminary plat approval for 16 lots.

Stub-Streets - This plat ties into the Shoppes of Edge O Lake Preliminary plat approved by the Planning Commission on January 12, 2006, which ties into the existing stub street at Lakevilla Drive. It also provides a connection to Willowbranch Drive. This plat does not provide a connection to the existing stub-street at Cedar Springs Drive. In 2004, staff reviewed a concept plan for this entire area. Staff and the Planning Commission agreed that if a new connection was made to Willowbranch Drive, then there would be no need for Cedar Springs Drive to connect.

PUBLIC WORKS RECOMMENDATION -Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.

Provide proof of adequate sight distance at the intersection of Elliot Place and Willowbrook Drive.

In accordance with the TIS recommendations,

1. Developer shall construct 1 access on Murfreesboro Pike between Dover Glen and Edge O Lake Drive with 2 exit lanes each with 160 feet of storage and 1 entering lane . This access shall align with Martway Drive.
2. Developer shall construct an access road at the intersection of Dover Glenn Drive and Murfreesboro Pike intersection. Access road shall align with Dover Glen Drive and include 2 exit lanes each with 100 feet of storage and 1 entering lane. Developer shall modify the existing signal and install pedestrian signals with ADA facilities. Developer shall submit signal plans to Metro Traffic Engineer for approval.
3. Cross access between properties along Murfreesboro Pike from Edge O lake Drive to southern property boundary shall be required.
4. At development, developer shall provide street connectivity to existing streets Lakevilla Drive and Willowbranch.

STORMWATER RECOMMENDATION - USGS quad map shows a blue line stream and pond in lot 13 area. Blue line streams should be identified with the buffer and drainage easement shown.

1. The water quality pond as shown discharges to the adjacent lot in a manner that might adversely affect the adjacent parcel. As part of plan review the owner may be required to obtain a drainage easement from the adjacent lot owner and dedicate that easement to Metro for drainage of Public Waters.
2. Indicate those map and parcel numbers of the parcels included in this plat. Additional parcel numbers are listed that are not in this plat.

FIRE MARSHAL RECOMMENDATION

1. Metro Ordinance O95-1541 Sec: 15.68.020B requires that no building be more than 500 feet from an approved fire hydrant via an approved hard surface road.
2. Fire hydrants should flow 1,000 GPM's @40 psi.

CONDITIONS

1. Prior to the issuance of any building permits, a final plat shall be recorded, including the posting of any necessary bonds to secure the satisfactory construction, installation, and dedication of all required public improvements.
2. All conditions, as recommended by Public Works, above, must be completed, satisfied, or bonded prior to final plat recordation.

3. All conditions, recommended by Metro Stormwater shall be completed prior to final plat approval.
4. Prior to final plat approval, the plat must be revised to include a “B” Landscape buffer yard at the rear of the site between the R10 and RS3.75 zoning, as per the Metro Zoning Code.

Approved with conditions, (9-0) *Consent Agenda*

Resolution No. RS2006-89

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-007G-13 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

PUBLIC WORKS RECOMMENDATION -Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.

Provide proof of adequate sight distance at the intersection of Elliot Place and Willowbrook Drive.

In accordance with the TIS recommendations,

1. Developer shall construct 1 access on Murfreesboro Pike between Dover Glen and Edge O Lake Drive with 2 exit lanes each with 160 feet of storage and 1 entering lane . This access shall align with Martway Drive.
2. Developer shall construct an access road at the intersection of Dover Glenn Drive and Murfreesboro Pike intersection. Access road shall align with Dover Glen Drive and include 2 exit lanes each with 100 feet of storage and 1 entering lane. Developer shall modify the existing signal and install pedestrian signals with ADA facilities. Developer shall submit signal plans to Metro Traffic Engineer for approval.
3. Cross access between properties along Murfreesboro Pike from Edge O lake Drive to southern property boundary shall be required.
4. At development, developer shall provide street connectivity to existing streets Lakevilla Drive and Willowbranch.

STORMWATER RECOMMENDATION - USGS quad map shows a blue line stream and pond in lot 13 area. Blue line streams should be identified with the buffer and drainage easement shown.

1. The water quality pond as shown discharges to the adjacent lot in a manner that might adversely affect the adjacent parcel. As part of plan review the owner may be required to obtain a drainage easement from the adjacent lot owner and dedicate that easement to Metro for drainage of Public Waters.
2. Indicate those map and parcel numbers of the parcels included in this plat. Additional parcel numbers are listed that are not in this plat.

FIRE MARSHAL RECOMMENDATION

1. Metro Ordinance O95-1541 Sec: 15.68.020B requires that no building be more than 500 feet from an approved fire hydrant via an approved hard surface road.
2. Fire hydrants should flow 1,000 GPM’s @40 psi.

CONDITIONS

1. Prior to the issuance of any building permits, a final plat shall be recorded, including the posting of any necessary bonds to secure the satisfactory construction, installation, and dedication of all required public improvements.
2. Prior to final plat approval, the plat must be revised to include a “B” Landscape buffer yard at the rear of the site between the R10 and RS3.75 zoning, as per the Metro Zoning Code.”

15. 2006S-096U-05
Solon Court
Map 083-04, Parcel 285

Map 084-01, Parcel 022
Subarea 5 (1994)
District 7 - Erik Cole

A request for preliminary plat approval to create 12 lots located on the south side of Solon Drive, approximately 370 feet west of Rosebank Avenue (4.23 acres), zoned R10, requested by Curtis Stewart, owner, Dale & Associates, surveyor.

Ms. Harris presented and stated that staff is recommending approval with conditions.

Mr. Roy Dale spoke in favor of the proposal.

Councilman Cole gave a brief overview of this proposal. He briefly explained the history of the parcel. He stated he held a public meeting with area residents regarding the developments and had received noted opposition. He explained there are a number of unanswered questions he and residents have on the project. He requested that the proposal be either denied or deferred to allow additional conversations with the developer. The Councilman then utilized one of the slides of the presentation to further express the concerns expressed by area residents.

Mr. Al Embry, 2601 Solon Drive, spoke in opposition to the proposal.

Ms. Vicki Scala, 1200 Rosebank Ave., spoke in opposition to the proposal.

Mr. Curtis Stewart, owner, spoke in favor of the proposal. He presented a plat to the Commission for their review.

Mr. George Clement, 4019 Moss Rose Drive, spoke in favor of the proposal.

Mr. Maurice Griggs spoke in favor of the proposal.

Ms. Ann Vaughn, 2508 Solon Drive, spoke in opposition to the proposal.

Mr. Ponder suggested deferring the project one meeting.

Mr. Tyler stated he agreed with the staff recommendation. However, he explained that the location of the property and the proposed construction issues would require the developer to discuss the proposal with area residents.

Ms. Cummings acknowledged the land owner's rights and fact that the land is developable. She also expressed issues with the ingress/egress of the parcel. She agreed with staff recommendation.

Mr. Clifton spoke in favor of developing infill areas within the City. He acknowledged the concerns expressed by area residents. He also acknowledged the rights of the owner and his desire to build on this parcel. He stated he would support deferring the proposal for one meeting.

Mr. McLean expressed issues with the egress of the parcel. He then spoke of the legality of the easement included in the proposal.

Ms. Nielson spoke in favor of deferring the proposal.

Ms. Jones explained she was not in favor of deferring the proposal. She suggested approving the proposal and encouraging the developer to meet with area residents to further explain his project.

Mr. Loring spoke in favor of deferring the proposal to allow the Councilman the additional time so that he could hold a neighborhood meeting.

Mr. Small expressed issues with the proposed connectivity of the proposal in relation to Rose Park Drive and suggested the developer also review this fact if the proposal was to be deferred.

Mr. Ponder suggested there are many material issues that need to be discussed prior to approving the preliminary and that a deferral was necessary.

Mr. Loring moved and Mr. Ponder seconded the motion to defer Preliminary Subdivision 2006S-096U-05 to March 23, 2006, to allow additional meeting time for the developer and the area residents to discuss issues associated with the proposal. **(7-2) No Votes – Jones, McLean**

Resolution No. RS2006-90

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-096U-05 is **DEFERRED TO THE MARCH 23, 2006 PLANNING COMMISSION MEETING (7-2).**”

XI. FINAL PLATS

- 16. 2006S-082G-03**
Carrington Place, Phases 1-5
Map 058, Parcel 078
Subarea 3 (2003)
District 1 - Brenda Gilmore

A request for final plat approval to create 115 cluster lots located on the east side of Eatons Creek Road, approximately 200 feet south of Briley Parkway (73.17 acres), zoned RS15, requested by Elsie Carrington, owner, H&H Land Surveying, surveyor.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Final Plat

Request for final plat approval to create 115 cluster lots located on the east side of Eatons Creek Road, approximately 200 feet south of Briley Parkway (73.17 acres).

ZONING

RS15 District - RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre.

CLUSTER LOT OPTION - The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS15 (minimum 15,000 sq. ft. lots) to RS7.5 (minimum 7,500 sq. ft. lots). The proposed lots range in size from 7,500 sq. ft. to 18,621 sq. ft.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase. The applicant complies with this requirement by proposing a total of 21.56 acres (29%) of open.

SUBDIVISION DETAILS

Site Plan - The site plan calls for 115 single family lots on approximately 73.17 acres with an overall density of 1.57 dwelling units per acre. The development is to be constructed in five individual phases. As proposed the layout is consistent with the approved preliminary plat.

Access/Street Connectivity - Access to all lots will be from new streets, and access to the development will be provided from Eaton’s Creek Road, and Queen’s Lane.

Sidewalks - Sidewalks are required along new streets and along Eaton’s Creek Road. Sidewalks are not shown on the plat and must be shown prior to recordation.

Preliminary Plat - The preliminary plat was approved with the condition that before any grading permits are issued, the final plat shall be brought back to the Commission for review and approval, and that the restrictive covenants be included on the plat.

Critical Lots/Grading Plan - A total of 12 lots are denoted as “critical” on the plat. Critical lots are lots that contain natural slopes of 20% or greater. Lots denoted as critical are required to minimize changes in grade, cleared area, and volume of cut or fill on the hillside portions of the property with 20% or greater natural slopes. Other requirements include a 75 foot minimum building envelope width at the building line.

As proposed, many of the critical lots do not appear to meet all critical lot standards. Before this plat can be recorded, the plat must be revised to meet critical lot standards. Grading plans that demonstrate how critical lots will be graded in a way consistent with critical lots standard is also required, and **must be approved by planning staff prior to recording of the plat.**

Buffer Yards - A 25 foot wide type C-2 landscape buffer yard is shown along the southern and eastern property line. A 30 foot landscape buffer yard is shown along the western property line along Eaton’s Creek Road, and a 25 foot landscape

buffer yard is shown along the northern property line adjacent to lots 76 and 77.

STORMWATER RECOMMENDATION

1. Show and label the water quality pond in Phase 1. Show and label the pond limits.
2. Provide a drainage easement for the water quality pond mentioned in comment #1 above.
3. Cite all appeal numbers associated with this plat, i.e., 2005-151.
4. Show and label the tops of bank for the stream in Phase 2. Show and label the 25' buffer for said stream.
5. Either provide a drainage easement for the stream as mentioned in comment #4 above or dedicate the Open Space as a drainage easement.
6. Correct the FFE's for lots 5-9, 73, 81, and 111-115. The correct FFE's are as follows: Lot 5 = 443'; Lot 6 = 441'; Lot 7 = 441'; Lot 8 = 440.5'; Lot 9 = 440'; Lot 73 = 446'; Lot 81 = 445'; Lot 111 = 440'; Lot 112 = 442'; Lot 113 = 443'; Lot 114 = 443.5'; Lot 115 = 444.5'.

PUBLIC WORKS RECOMMENDATION - No Exceptions Taken

CONDITIONS

All conditions must be met prior to recordation of the final plat.

1. Sidewalks must be shown on the plat as required.
2. Identify covenants on plat as required by the Planning Commission's conditional approval.
3. Landscape plans must be approved by the Urban Forester prior to the issuance of any grading permits.
4. Prior to final plat recordation all buffer yard types must be labeled.
5. All Stormwater conditions must be addressed and approved by Stormwater staff.

Mr. Swaggart presented and stated that staff is recommending approval with conditions.

Mr. Tom White, 315 Deadrick Street, spoke in favor of approving the proposal without the condition regarding critical lots.

Mr. Ponder requested further clarification on the issue of the critical lots included in the proposal.

Mr. Swaggart explained that the prior to recordation of the plat the lots need to be redesigned due to regulations.

Mr. Ponder questioned the number of lots that need to be eliminated in order to be compliant with the regulations.

Mr. Kleinfelter explained that the Zoning Code contains the critical lot information and that the planning staff can not ask the commission to approve a plat that does not meet the Zoning Code regulations.

Mr. Tyler questioned whether the critical lot incident existed when the plan was presented at the preliminary stages.

Mr. Clifton acknowledged that the critical lots were overlooked during the preliminary review process.

Mr. Clifton agrees with staff recommendation however, he stated he sees the dilemma and would support a recommendation to exclude the critical lot condition.

Mr. McLean commented on the issue of erroneously approving the plan at preliminary and attempting to correct at the final stage.

Mr. Kleinfelter further explained the critical lot issue associated with this proposal and in relation to the zoning code.

Mr. Fox advised that the Commission does not have the authority to approve a final plat that violates the zoning code.

Ms. Jones spoke in favor of approving the plat without the condition that addresses critical lots. She stated it would be

unfair to disapprove at this time.

Mr. Loring stated he agreed that the Commission can not go back on things and should move forward.

Mr. Loring moved and Mr. McLean seconded the motion to approve Final Plat 2006S-082G-03 with the elimination of Condition #6.

Mr. Cummings questioned Mr. Fox on this motion.

Mr. Fox advised that legally, the Commission can not make this motion.

Mr. Fox commented that the motion will not favor the developer because by the time the builder begins to pull permits, the Codes department may not have the authority to issue permits based on a subdivision that was approved in violation of the zoning code. The other issue is the surrounding affected land owners who are not in favor of the approval and they feel it should have been built in consistency with the Zoning Code. He stated the approval would be an easy challenge in court for those residents.

Mr. Loring stated the Commission should not retroactively penalize a developer, builder or person.

Ms. Nielson asked Legal Counsel if the Commission add a condition that would request the Codes Department to endorse the subdivision as it was approved at the preliminary.

Mr. Fox stated he could not advise the Commission on this request.

Mr. Fox stated the Commission's decision stands unless an aggrieved party can show the approval is arbitrary or illegal. He stated that a conditional approval as mentioned would be illegal. It is in violation of the zoning code.

Ms. Nielson questioned the number of lots that would be affected by the issue of the critical lots.

There was continued discussion regarding the number lots, width of lots, and alternative ideas on the motion.

The motion on the floor to approve the Final Plat with the elimination of condition #6, failed.

Ms. Nielson questioned whether Condition #6 was the actual condition that should be eliminated from the motion.

Mr. Bernhardt explained that the condition that the Commission is referring to is not Condition #6, it is part of the text included in the staff report.

Ms. Cummings moved and Mr. Ponder seconded the motion, to approve staff recommendation which includes the text that was included in the staff report on Final Plat 2006S-082G-03.

(6-3) No Votes -- Loring, Jones, Clifton

Resolution No. RS2006-91

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-082G-03 is **APPROVED WITH CONDITIONS (6-3), adding a condition that critical lots must include a building envelope that is at least 75 feet in width at building line as required by the Metro Zoning Code.**

Conditions of Approval:

STORMWATER RECOMMENDATION

1. Show and label the water quality pond in Phase 1. Show and label the pond limits.
2. Provide a drainage easement for the water quality pond mentioned in comment #1 above.
3. Cite all appeal numbers associated with this plat, i.e., 2005-151.
4. Show and label the tops of bank for the stream in Phase 2. Show and label the 25' buffer for said stream.
5. Either provide a drainage easement for the stream as mentioned in comment #4 above or dedicate the Open Space as a drainage easement.

6. Correct the FFE's for lots 5-9, 73, 81, and 111-115. The correct FFE's are as follows: Lot 5 = 443'; Lot 6 = 441'; Lot 7 = 441'; Lot 8 = 440.5'; Lot 9 = 440'; Lot 73 = 446'; Lot 81 = 445'; Lot 111 = 440'; Lot 112 = 442'; Lot 113 = 443'; Lot 114 = 443.5'; Lot 115 = 444.5'.

PUBLIC WORKS RECOMMENDATION - No Exceptions Taken

CONDITIONS - All conditions must be met prior to recordation of the final plat.

1. Sidewalks must be shown on the plat as required.
2. Identify covenants on plat as required by the Planning Commission's conditional approval.
3. Landscape plans must be approved by the Urban Forester prior to the issuance of any grading permits.
4. Prior to final plat recordation all buffer yard types must be labeled.
5. All Stormwater conditions must be addressed and approved by Stormwater staff."

The Commission recessed at 5:55 p.m.

The Commission resumed at 6:05 p.m.

- 17. 2006S-090U-12**
Forest Acres Estates, Resub. Lot 33, Sec. 2
Map 172-08, Parcel 050
Subarea 12 (2004)
District 31 - Parker Toler

A request for final plat approval to create two lots located on the south side of Kinhawk Drive, approximately 2,300 feet west of Nolensville Pike, zoned R15, requested by Martin Champ et ux, owners, Campbell, McRae & Associates, surveyor.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Final Plat

Request to subdivide 1.79 acres into 2 lots located on the south side of Kinhawk Drive, approximately 2,300 feet west of Nolensville Pike.

ZONING

R15 district - R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots.

PLAN DETAILS - As proposed the request will create two new lots along the south side of Kinhawk Drive with the following area(s), and street frontage(s):

- Lot 1: 37,123 Sq. Ft., (0.85 Acres), and 102.52 Ft. of frontage;
- Lot 2: 39,686.15 Sq. Ft., (0.91 Acres), and 139.48 Ft. of frontage;

Lot comparability - Section 2-4.7 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots. A lot comparability exception can be granted if the lot fails the lot comparability analysis (is smaller in lot frontage and/or size) if the new lots would be consistent with the General Plan. The Planning Commission is not required to grant the exception if they do not feel it is appropriate.

Lot comparability analysis yielded a minimum lot area of 31,581 sq. ft., and a minimum lot frontage of 183.6 feet. Both lots pass for area, but fail for lot frontage.

Staff Recommendation - Staff recommends disapproval of a lot comparability exception. The Southeast Community plan calls for Residential Low Medium policy intended for residential development at a density of 2 to 4 units per acre. This subdivision request could qualify for an exception because it technically is within the density range of the area land use policy.

Staff recommends that the Commission not grant an exception for comparability, however, because the lots fail for lot frontage by 81.08 feet for lot 1 and 44.12 feet for lot 2 and this is not in keeping with the prevailing character of Kinhawk Drive.

STORMWATER RECOMMENDATION

Approve except as noted.

1. Correct the FEMA note, i.e., plat note #4. Indicate that panel 0363 is a non-printed panel.

PUBLIC WORKS RECOMMENDATION - No Exception Taken.

CONDITIONS (If approved)

1. Correct the FEMA note, i.e., plat note #4. Indicate that panel 0363 is a non-printed panel.

Ms. Harris presented and stated that staff is recommending disapproval.

Mr. Martin Champ, 455 Kinhawk Drive, spoke in favor of approving the proposal.

Ms. Nielson stated that due to the frontage deficit, she is favoring staff's recommendation to disapprove.

Mr. McLean requested additional information on the amount of frontage contained in the surrounding parcels.

Ms. Jones stated she did not see an exception which would warrant an approval.

Ms. Jones moved and Mr. Ponder seconded the motion, which passed unanimously to disapprove Final Plat 2006S-090U-

12. **(9-0)**

Resolution No. RS2006-92

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-090U-12 is **DISAPPROVED. (9-0)**"

- 18. 2006S-097U-13**
Stonebridge, 1st Revision
Map 150-06, Parcel 268
Subarea 13 (2003)
District 33 - Tommy Bradley

A request for final plat approval to remove the reserve parcel status from parcel "B" and to create 3 lots located on the south side of Anderson Road(unnnumbered), approximately 165 feet south of Towne Village Drive (.95 acres), zoned RS7.5, requested by Rick and Karen Blackburn, owners, H & H Land Surveying, surveyor.

Staff Recommendation - *Approve with conditions, including approval of a flag lot variance.*

APPLICANT REQUEST -Final Plat

Request to subdivide 0.95 acres into 3 lots located on the south side of Anderson Road, approximately 165 feet south of Towne Village Drive.

ZONING

RS7.5 -~~RS7.5~~ requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre.

PLAN DETAILS -As proposed, the request will create three new lots along the south side of Anderson Road, which was previously a reserve parcel, with the following area(s), and street frontage(s):

- Lot 1: 14,133 Sq. Ft., (0.32 Acres), and 49.93 Ft. of frontage;
- Lot 2: 8,295 Sq. Ft., (0.19 Acres), and 20 Ft. of frontage;
- Lot 3: 18,853 Sq. Ft., (0.43 Acres), and 120.92 Ft. of frontage;

This property was reserved in the First Revision of the Stonebridge subdivision plat in 1996 due to a realignment proposal for Anderson Road that was called for in the Long Range Transportation Plan. This realignment is no longer required or called for in the plan.

Flag Lot Variance -A variance was requested for Lots 2 and 3 for irregular lot lines. The reason for the variance is due to a 50' drain buffer being approved within Lot 3 by the Metro Stormwater Management Committee. Section 2-4.2A of the Subdivision Regulations state that flag lots generally shall not be permitted.

Staff recommends approval of the variance since there is a unique hardship with the drain buffer. Also, there is no consistent development pattern in the area that would weigh against approval of an irregular flag-shaped lot.

STORMWATER RECOMMENDATION

1. Add the subdivision number, i.e., 2006S-097U-13, to the plat.
2. Set and label minimum FFE's on lots 1, 2, and 3.

PUBLIC WORKS RECOMMENDATION - No Exception Taken.

CONDITIONS

1. Add the subdivision number, i.e., 2006S-097U-13, to the plat.
2. Set and label minimum FFE's on lots 1, 2, and 3.

Approved with conditions, including the condition that prior to the final plat, the minimum FFE's for lots 1-3 are questionable. Either extend the flood study or provide a flood depth in order to determine the proper minimum FFE's, **(9-0)**
Consent Agenda

Resolution No. RS2006-93

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-097U-13 is **APPROVED WITH CONDITIONS (9-0), including that prior to recordation of the final plat, either extend the flood study or provide a flood depth in order to determine the proper minimum FFE's.**

Conditions of Approval:

STORMWATER RECOMMENDATION

1. Add the subdivision number, i.e., 2006S-097U-13, to the plat.
2. Set and label minimum FFE's on lots 1, 2, and 3.

PUBLIC WORKS RECOMMENDATION - No Exception Taken.

CONDITIONS

1. Add the subdivision number, i.e., 2006S-097U-13, to the plat.
2. Set and label minimum FFE's on lots 1, 2, and 3.

XII. PLANNED UNIT DEVELOPMENTS (revisions)

19. **206-69-G-13**
Drury Inn Amended Preliminary PUD
Map 134, Parcels 103.01, 212, 174
Subarea 13 (2003)
District 28 - Jason Alexander

A request to amend a portion of the Commercial Planned Unit Development district located at 343, 347 Harding Place, and 309 South Perimeter Park Drive, (8.26 acres), zoned CL, to permit 207,689 square feet of hotel and restaurant uses, requested by Ragan Smith Associates for Drury Inns, Inc.

Staff Recommendation -Approve with conditions

APPLICANT REQUEST -Amend PUD

Request to amend a Commercial Planned Unit Development overlay district located at 343, 347 Harding Place, and 309 South Perimeter Park Drive (8.26 acres) to permit 207,689 of motel/inn and restaurant.

Zoning

CL District -Commercial Limited is intended for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices.

ANTIOCH/PRIEST LAKE COMMUNITY PLAN

Commercial Mixed Concentration (CMC) -CMC policy is intended to include medium high to high density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

Policy Conflict -No, the associated PUD plan proposed for this property is consistent with the area's policy.

PLAN DETAILS

Site Plan - As proposed the plan calls for a total of 207,689 square feet of restaurant and motel/inn space to be located within six buildings on the site. Two restaurants are shown with one providing 6,000 square feet of area, and the second providing 5,000 square feet of area. Four motel/inn buildings that will provide 420 hotel rooms are identified on the plan. Two of these buildings will be new while two are existing. The existing inn to remain is a four story structure with 109 rooms with 37,014 square feet of floor space. One new building will be seven stories and provide 180 rooms with 112,875 square feet of floor space, and the second new building will be four stories with 120 rooms and 46,800 square feet of floor space.

History -This is an older PUD that was approved for 110,392 square feet of development. Because the requested floor area exceeds the approved area by more than 10%, the request must be approved by Council.

Access - Access is shown at its current location along Harding Place, and along South Perimeter Drive adjacent Perimeter Hill Drive. The access point at Harding Place should be designed to prohibit left turns out of the development onto Harding Place.

Sidewalks -Sidewalks are required along property lines adjacent to roadways. At this time a sidewalk is not being shown along South Perimeter Drive. Either the sidewalk must be added to the plan, or a variance from the sidewalk requirement must be approved by the Metro Board of Zoning Appeals (BZA). An internal sidewalk network is shown and appears to be adequately designed to allow for safe pedestrian movement within the development.

At this time, staff feels that the sidewalk along South Perimeter Drive should be required, or that some other alternative pathway be used. Mature trees and landscaping exist along the west side of South Perimeter Drive, and it would be appropriate for them to remain. Because of a grade change along the west side of the trees, an alternative pedestrian path along South Perimeter Drive west of the trees would allow for a pedestrian connection that would not require the trees to be removed.

Parking -The overall development requires 542 parking spaces, and the plan shows 544 spaces, so it meets current parking standards. Because any sidewalk or alternative design may reduce parking, the entire site may need to be redesigned in order to accommodate parking.

Staff Recommendation -Staff recommends that the amendment be approved with the condition that a sidewalk or alternative pedestrian path is provided along South Perimeter Park Drive. Any alternative design must be approved by Planning and Public Works.

PUBLIC WORKS RECOMMENDATION

1. Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.
2. A TIS is required. Scoping meeting was conducted on February 22, 2006. Submit traffic study.

STORMWATER RECOMMENDATION

Approved except as noted:

1. Use complete culvert note.

CONDITIONS

1. Identify a sidewalk or alternative pedestrian path along South Perimeter Park Drive. Any alternative design must be approved by Planning and Public Works. Any plan should be designed in a way that the existing trees along South Perimeter Park Drive are not negatively impacted.

2. Add complete culvert note as required by Stormwater.
3. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
4. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners' signatures, to the Planning Commission staff for review.
5. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
6. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees.
7. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.

Approved with conditions, **(9-0) Consent Agenda**

Resolution No. RS2006-94

"BE IT RESOLVED by The Metropolitan Planning Commission that 206-69-G-13 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.
2. A TIS is required. Scoping meeting was conducted on February 22, 2006. Submit traffic study.

STORMWATER RECOMMENDATION

Approved except as noted:

1. Use complete culvert note.

CONDITIONS

1. Identify a sidewalk or alternative pedestrian path along South Perimeter Park Drive. Any alternative design must be approved by Planning and Public Works. Any plan should be designed in a way that the existing trees along South Perimeter Park Drive are not negatively impacted.
2. Add complete culvert note as required by Stormwater.
3. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
4. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners' signatures, to the Planning Commission staff for review.
5. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.

6. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees.
7. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.

The plan is consistent with the Anti Antioch/Priest Lake Community Plan's Commercial Mixed Concentration policy that is intended to include medium high to high density residential, all types of retail trade, highway oriented commercial services, offices and research activities."

20. **28-79-G-13**
Cambridge Forest Phase 6
Map 149-00, Parcel Part of 371
Subarea 13 (2003)
District 28 - Jason Alexander

A request for final approval of a Planned Unit Development located west of Bridge Crest Drive, zoned R15 (6.88 acres), for the development of 26 single-family lots, requested by Batson and Associates, applicant, for Danco Development Incorporation, owner.

Staff Recommendation -*Defer until Water Services has approved construction plans.*

APPLICANT REQUEST -Revise preliminary and final

A request for final approval for a phase of a Residential Planned Unit Development, (6.88 acres), for the development of 28 single-family cluster lots.

PLAN DETAILS

Final PUD (Phase 6) -The proposal for Phase 6 consists of 28 single-family cluster lots. The plan is consistent with the approved preliminary.

Cluster Lot Option -PUD standards allow single and two-family lots to be clustered to a greater extent than allowed by the cluster lot provisions of section 17.12.080 in return for extraordinary protection of environmentally sensitive areas in a natural state.

Access -Access to this section will be provided by the extension of Bridge Crest Drive.

PUBLIC WORKS RECOMMENDATION -No Exceptions Taken

STORMWATER RECOMMENDATION -Approved

WATER SERVICES RECOMMENDATION -Plans are in the review process but have not been approved.

CONDITIONS

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
4. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4)

copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.

5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

Approved with conditions, **(9-0) Consent Agenda**

Resolution No. RS2006-95

“BE IT RESOLVED by The Metropolitan Planning Commission that 28-79-G-13 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
4. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

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21. **170-79-U-07**
Vernon Avenue Homes
Map 091-05, Parcels 189, 147, 148
Subarea 7 (2000)
District 20 - Billy Walls

A request to revise the preliminary plan and for final approval for a Residential Planned Unit Development located on the east side of Vernon Avenue, south of James Avenue (3.7 acres), classified R8, to allow the development of 35 townhomes, requested by Snyder Williams, Engineering, applicant, for Vernon Avenue Partners, LLC, owner.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST - Revision to Preliminary

A request to revise the preliminary plan and for & Final PUD final approval for a residential Development located on the east side of Vernon Avenue, south of James Avenue (3.7 acres), classified R8, to allow the development of 35 townhouses.

PLAN DETAILS

PUD History -This application is the remaining portion of a 17.4 acre PUD approved for 195 multi-family units arranged in pods throughout the site. The portion west of Vernon Avenue was removed from the PUD in 1987, rezoned commercial and subdivided. The original plan included 43 units on this 3.7 acre portion of the PUD.

Site Plan Details -The plan proposes 35 townhouse units fronting on Vernon Avenue. Parking is located behind the units and away from Vernon Avenue. The developer will construct a new sidewalk and curb and gutter along the frontage of Vernon Avenue and plant trees between the sidewalk and the front of the townhouses. A sidewalk is not being required along James Avenue because it would impact a stream buffer and it was not a requirement of the original PUD. A "B" landscape buffer is proposed along the edge of the property abutting parcel 146, a single family home.

PUBLIC WORKS RECOMMENDATION

Following are review comments for the submitted

1. Vernon Avenue Homes final PUD (170-79-U-07), received January 30, 2005. Public Works' comments are as follows:
2. Make contribution to the pedestrian network as an alternative to sidewalk installation for the remaining un-built segment of sidewalk along Vernon Avenue and James Avenue.
3. Label and dedicate 5' of right of way along James Avenue (30 feet from centerline), consistent with the approved major street / collector plan.
4. Verify right of way and easements at northwest property corner (intersection of Vernon and James).
5. Show easement for guardrail.

STORMWATER RECOMMENDATION

1. Please modify Dedication of Easement to include a drainage easement for the open area between the two culverts that cross Vernon Avenue and James Avenue.
2. Please show dimensions of the outlet control box of the detention and water quality pond on the detail of the grading sheet.
3. The invert elevation shown for headwall HW15 is incorrect. Please revise.
4. The minimum capture rate is required to be 90% for a 24-hour drawdown time in the pond. The capture rate used was 85%. This will yield a slightly higher live pool volume required for water quality. This can be accomplished by raising the live pool depth. Please revise.
5. A detail sheet needs to be provided as part of the grading plan set which shows details of the inlets, headwalls, junction boxes, etc. Details of the structures were submitted separately but are not part of the grading plan. Please revise.

CONDITIONS

1. Comply with all conditions of approval from Stormwater and Public Works as listed above.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
3. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
4. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

Approved with conditions, **(9-0) Consent Agenda**

Resolution No. RS2006-96

“BE IT RESOLVED by The Metropolitan Planning Commission that 170-79-U-07 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

PUBLIC WORKS RECOMMENDATION

Following are review comments for the submitted

1. Vernon Avenue Homes final PUD (170-79-U-07), received January 30, 2005. Public Works' comments are as follows:
2. Make contribution to the pedestrian network as an alternative to sidewalk installation for the remaining un-built segment of sidewalk along Vernon Avenue and James Avenue.
3. Label and dedicate 5' of right of way along James Avenue (30 feet from centerline), consistent with the approved major street / collector plan.
4. Verify right of way and easements at northwest property corner (intersection of Vernon and James).
5. Show easement for guardrail.

STORMWATER RECOMMENDATION

1. Please modify Dedication of Easement to include a drainage easement for the open area between the two culverts that cross Vernon Avenue and James Avenue.
2. Please show dimensions of the outlet control box of the detention and water quality pond on the detail of the grading sheet.
3. The invert elevation shown for headwall HW15 is incorrect. Please revise.
4. The minimum capture rate is required to be 90% for a 24-hour drawdown time in the pond. The capture rate used was 85%. This will yield a slightly higher live pool volume required for water quality. This can be accomplished by raising the live pool depth. Please revise.
5. A detail sheet needs to be provided as part of the grading plan set which shows details of the inlets, headwalls, junction boxes, etc. Details of the structures were submitted separately but are not part of the grading plan. Please revise.

CONDITIONS

1. Comply with all conditions of approval from Stormwater and Public Works as listed above.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
3. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
4. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

22. 12-87-P-10
Chandler Square PUD
Map 105-10, Parcel 115
Subarea 10 (2005)
District 17 - Ronnie E. Greer

A request to cancel a Commercial Planned Unit Development district located at 750 Wedgewood Avenue, along the north side of Wedgewood Park, zoned ORI, (0.26 acres), requested by Peggy Krebs, owner/applicant.

Staff Recommendation -Approve

APPLICANT REQUEST -Cancel PUD

Request to cancel a Commercial Planned Unit Development overlay district (0.26 acres) located at 750 Wedgewood Avenue.

Zoning

ORI District -Office/Residential Intensive is intended for high intensity office and/or multi-family residential uses with limited retail opportunities.

Green Hills Midtown Community Plan

Neighborhood General (NG) -NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Detailed Neighborhood Design Plan

Single-Family Detached (SFD) -SFD is intended for single family housing that varies based on the size of the lot. Detached houses are single units on a single lot.

PLAN DETAILS -Applicants are requesting that the PUD overlay district on this property be canceled. Because this is only a request to cancel the PUD overlay, a site plan is not required.

History -This PUD was approved in 1987 to allow for the previous property owner to continue an automobile repair shop that had been in operation on the property through a variance since 1974.

PUBLIC WORKS RECOMMENDATION -No Exceptions Taken

Approved, (9-0) *Consent Agenda*

Resolution No. RS2006-97

“BE IT RESOLVED by The Metropolitan Planning Commission that 12-87-P-10 is **APPROVED. (9-0)**

The underlying base zone is consistent with the Green Hills Midtown Community Plan’s Neighborhood General policy, which is intended to meet a spectrum of housing needs.”

23. **89P-003G-06**
Still Spring Ridge, Phase II
Map 128, Parcel 156
Subarea 6 (2003)
District 22 - Eric Crafton

A request to revise the approved preliminary plan for a residential Planned Unit Development, located on the north east side of Hicks Road (unnumbered), classified RS20 (81.90 acres), to allow for a 12,000 sq. ft. Center for Jewish Awareness to replace a previously approved 10,000 square feet. private recreation facility, requested by Barge, Waggoner, Sumner and Cannon, applicant for Greater Middle Tennessee Development, owner.

The Metropolitan Planning Commission DEFERRED Planned Unit Development 89P-003G-06 to March 23, 2006, at the request of the applicant. (9-0)

24. **2006P-003U-10**
Parkview Towers Beer PUD
Map 092-150, Parcel 045
Subarea 10 (2005)
District 21 - Edward Whitmore

A request for preliminary approval for a Planned Unit Development, located at 212 25th Avenue North, zoned ORI (1.22 acres) to permit an existing building an exemption from the minimum distance requirement included in the beer provisions of the Metro Code, requested by Barge Cauthen and Associates, applicant for West End Properties LLC, owners.

Staff Recommendation -*Approve with conditions*

APPLICANT REQUEST - Preliminary PUD

Request for preliminary PUD approval that is intended to allow for a distance exemption from the beer licensure requirements for an existing facility, proposed for a pizza restaurant, which is located at 212 25th Avenue North.

Reason for Request -Per Metro Ordinance BL2003-1353, restaurants/bars that have obtained a license from the Tennessee Alcoholic Beverage Commission permitting the sale of alcoholic beverages for on-premises consumption will be exempt from the minimum distance requirements for the issuance of beer permits if a commercial PUD is established over the subject property.

Existing Zoning

ORI district -Office/Residential Intensive is intended for high intensity office and/or multi-family residential uses with limited retail opportunities.

A full-service restaurant is a permitted use by right within the ORI district.

Plan Details -The plan shows an existing building currently used for office and residential uses on 25th Avenue North and Reidhurst Avenue.

PUBLIC WORK RECOMMENDATION - No Exception Taken.

STAFF RECOMMENDATION - Staff recommends conditional approval of the request to establish a PUD on the property currently zoned ORI district. The property is located within the Green Hills/Midtown Community Plan which calls for Mixed Use in Neighborhood Urban land use policy.

Staff recommends conditional approval of the proposed plan since the plan, recognized as an existing facility, meets the bulk standards as required by the PUD standards of the Metro Zoning Code.

CONDITIONS

1. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.

Approved with conditions, **(9-0) Consent Agenda**

Resolution No. RS2006-98

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006P-003U-10 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.

The proposed plan is not inconsistent with the Green Hills/Midtown Community Plan’s Mixed Use in Neighborhood Urban policy, and meets the bulk standards as required by the PUD standards of the Metro Zoning Code.”

25. **2006P-004U-12**
Benzing Townhomes
Map 162, Parcel 055
Subarea 12 (2004)
District 32 - Sam Coleman

AR2A and proposed for RM9 (4.4 acres), to allow 40 townhomes, requested by Batson Engineering, applicant for Ken and Jamie Broadhead, owners.

Staff Recommendation -*Approve with conditions*

APPLICANT REQUEST -Preliminary PUD

A request for preliminary approval of a Residential Planned Unit Development district, located at 91 Tusculum Road, (4.4 acres) to allow 40 townhomes.

Existing Zoning

AR2A district -Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres.

Proposed Zoning

RM9 district - RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre. RM9 zoning was requested in application 2003Z-080U-12, which was approved by the Planning Commission on June 26, 2003. Council bill BL2003-84 is pending in the Metro Council and was deferred indefinitely prior to second reading on May 3, 2005. Because the Planning Commission recommendation is more than two years old, it has expired and the bill must be re-referred to the Commission for a new recommendation.

SOUTHEASTCOMMUNITY PLAN

Residential Medium High (RMH) -RMH policy is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate. The most common types include attached townhomes and walk-up apartments.

Special Policy Area 3 - This special policy applies to the properties within the Whittmore Branch drainage area. A comprehensive stormwater management study should be conducted, and pending a comprehensive solution to the flooding problems in this area, any rezoning should be contingent on stormwater management solutions proposed and undertaken by the applicants that improve the drainage situation over both the current situation and what would be accomplished simply by meeting current regulatory requirements. Any site specific recommendation of the comprehensive stormwater management study shall be incorporated in the proposed neighborhood plan. In addition, the average density of each of the planned neighborhoods should not exceed nine housing units per acre.

Policy Conflict - No, the proposed RM9 district and associated PUD plan are consistent with the area's policies. The final PUD will be required to show how stormwater plans will address the special policy.

SITE PLAN -The preliminary plan consists of 40 condominium units on approximately 4.45 acres with an overall density of nine dwelling units per acre.

Access - Access to all units will be provided by a private drive off of Benzing Road.

Landscaping Plan/Buffer Yards - A 10 foot "B" type buffer yard is shown along the east, west and south property lines. A 20 ft "B" buffer yard is show adjacent Benzing and Tusculum Roads.

STORMWATER RECOMMENDATION - Preliminary Approved

PUBLIC WORKS RECOMMENDATION

1. Any approval is subject to Public Works approval of the construction plans. Final design and improvements may very based on field conditions.
2. Solid waste collection and disposal must be approved by Public Works Solid Waste Division.
3. Document adequate site distance at project entrance prior to submitting construction plans.
4. Improvements to Benzing Road may be required. Improvements to be determined with final PUD plan/construction plan review.
5. Proposed sidewalks to be constructed to Public Works standards and specifications. Sidewalk to be located within right of way.
6. Maximum slopes on private streets to be 14%.

7. Show 14% maximum slopes on private streets.

CONDITIONS

1. Correct north arrow.
2. Prior to final PUD approval the plan must be revised to include a revised sidewalk design so that the entire development is connected to Benzing Road by a sidewalk.
3. Final PUD must demonstrate how it will meet special policy for stormwater.
4. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
5. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners' signatures, to the Planning Commission staff for review.
6. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
7. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees.
8. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.

Mr. Swaggart presented and stated that staff recommends approval with conditions.

Councilman Coleman briefly explained the history of this parcel. He stated that he has held community meetings with the developer regarding the proposal, and that the developer has agreed to conform to the requests made by the residents. He stated that as long as the Metro departments continue to monitor this project, it will be accepted by the community. He requested its approval.

Mr. Mike Gebhardt, 2408 Melbourne Drive, spoke in favor of the proposal.

Mr. Gary Batson spoke in favor of the proposal.

Mr. McLean moved and Ms. Jones seconded the motion, which passed unanimously to approve with conditions Planned Unit Development 2006P-004U-12. **(9-0)**

Resolution No. RS2006-99

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006P-004U-12 is APPROVED WITH CONDITIONS. (9-0)

Conditions of Approval:

PUBLIC WORKS RECOMMENDATION

1. Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.
2. Solid waste collection and disposal must be approved by Public Works Solid Waste Division.
3. Document adequate site distance at project entrance prior to submitting construction plans.

4. Improvements to Benzing Road may be required. Improvements to be determined with final PUD plan/construction plan review.
5. Proposed sidewalks to be constructed to Public Works standards and specifications. Sidewalk to be located within right of way.
6. Maximum slopes on private streets to be 14%.
7. Show 14% maximum slopes on private streets.

CONDITIONS

1. Correct north arrow.
2. Prior to final PUD approval the plan must be revised to include a revised sidewalk design so that the entire development is connected to Benzing Road by a sidewalk.
3. Final PUD must demonstrate how it will meet special policy for stormwater.
4. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
5. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners' signatures, to the Planning Commission staff for review.
6. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
7. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees.
8. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage."

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26. **2006IN-001U**
David Lipscomb University
Map 117, Parcel
Subarea 10 (2005)
District 25 - Jim Shulman

A request to revise a portion of the preliminary master plan for the Institutional Overlay district located between Granny White Pike and Belmont Boulevard, to relocate a 440 car parking structure, including above-ground tennis courts on top of the parking structure, requested by Tuck Hinton Architects for David Lipscomb University, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Institutional Overlay District

Request to revise a portion of the preliminary master plan for the Institutional Overlay District located between Granny White Pike and Belmont Boulevard, to relocate a three-level, 440 car parking structure, including above-ground tennis courts on top of the parking structure.

Zoning Overlay

IO district - The purpose of the Institutional Overlay district is to provide a means by which colleges and universities

situated wholly or partially within areas of the community designated as residential by the General Plan may continue to function and grow in a sensitive and planned manner that preserves the integrity and long-term viability of those neighborhoods in which they are situated. The institutional overlay district is intended to delineate on the official zoning map the geographic boundaries of an approved college or university master development plan, and to establish by that master development plan the general design concept and permitted land uses (both existing and proposed) associated with the institution.

GREEN HILLS/MIDTOWN COMMUNITY PLAN

Major Institutional Policy (MI) - MI is intended to apply to existing areas with major institutional activities that are to be conserved, and to planned major institutional areas, including expansions of existing areas and new locations. Examples of appropriate uses include colleges and universities, major health care facilities and other large scale community services that do not pose a safety threat to the surrounding neighborhood. On sites for which there is no endorsed campus or master plan, an Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in this policy area.

Policy Conflict - No. The IO district is intended for areas designated wholly or partially as residential by the General Plan.

PLAN DETAILS - This plan proposes to move an approved, unbuilt parking structure from one portion of the campus along Belmont Boulevard to another part of the campus that is more internally situated. The structure is proposed where the existing tennis courts are currently located. The proposal increases the number of parking spaces from 400 to 440 spaces for the affected portion of the campus. Section 17.40.140 of the Zoning Code stipulates that minor changes (not exceeding 10% within the modification area) may be considered revisions by the Planning Commission. Anything over a 10% increase in parking must be considered by the Metro Council. The proposed increase from 400 parking spaces to 440 parking spaces within the same three-level parking structure does not exceed 10% of the total for the modification area, including the remaining surface parking spaces from the previous location of the parking structure.

The three-level structure will be located partially below grade with six tennis courts to be relocated to the top of the structure one level above grade. The two tennis courts closest to Granny White Pike will remain in their current configuration.

Access - Access to the parking areas remains the same. The driveway location along Belmont remains offset from Green Hills Drive, as was a requirement of the preliminary Master Plan due to neighborhood concerns about traffic.

Square Footage - The parking structure totals approximately 50,400 square feet.

Tennis Court Fencing/Lighting - The tennis court lighting fixtures will be 20 foot poles and will provide 75 foot-candles (a standardized measurement of lighting) at the playing surface; the fixtures will include cutoffs to eliminate light from bleeding off the court and off the property line. The tennis court fencing will be 12 feet in height at the top of the parking structure. The applicant has indicated that the NCAA requirement for practice tennis courts is a minimum of 75 foot-candles. Staff researched the typical lighting requirement for tennis courts of this kind (with no spectator facilities) and found that the average is around 40 foot-candles. Although the amount of proposed lighting is greater than the average for this type of courts, staff believes that the internal location of the tennis courts and the fencing will be sufficient to protect the surrounding residential areas from unnecessary lighting.

PUBLIC WORKS RECOMMENDATION - No exception taken.

FIRE MARSHAL RECOMMENDATION - Approve

STORMWATER RECOMMENDATION - Approve as noted: Grading permit approval (if applicable) is required prior to any construction activities.

CONDITIONS

1. All conditions of the original preliminary IO plan approval still apply.

Approved with conditions, **(9-0) Consent Agenda**

Resolution No. RS2006-100

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006IN-001U is **APPROVED WITH CONDITIONS. (9-0)**”

Conditions of Approval:

1. All conditions of the original preliminary IO plan approval still apply.”

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27. **2005UD-003G-12**
Carother's Crossing Phase 1
Map 188, Parcel 011
Subarea 12 (2004)
District 31 - Parker Toler

A request for final approval of an Urban Design Overlay, located at 7244 Carothers Road, classified RM9 and MUL (15.4 acres), to permit the development of 20 detached single family lots, requested by Wood Ridge Development LLC, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Final UDO

Request for final approval of a phase of the Urban Design Overlay to permit the development of 20 detached single-family lots, located at 7244 Carothers Road.

Plan Details - Phase 1 proposes 20 single-family detached units with access off of Carothers Road. A stub street is provided to the east to connect to development outside of the UDO. The size of the lots range in size from 10,500 to 15,600 square feet. The Carothers Crossing UDO is divided into four neighborhood zones: Town Center, Neighborhood Center, Neighborhood General, and Neighborhood Edge. This is within "The Hamlet" portion of the Neighborhood Edge of the UDO. This section is the smallest and is the most rural in character. The Neighborhood Edge zone allows for two-unit townhouses, medium/large houses, and mansion/villa style houses. With this phase, the large house style is proposed. This is consistent with the preliminary UDO approved by the Commission in June 2005.

Staff recommends approval of this phase since it meets the UDO standards and is consistent with the preliminary UDO document.

PUBLIC WORKS RECOMMENDATION

1. Delete roadway x-section shown and replace with ST-252. Note that the grass strip is to be 6 feet instead of the standard four.
2. Show installation of handicap ramps at street intersection.
3. Include PW standard construction notes to plan.

Public Works Construction Notes:

1. All work within the Public right-of-way requires an Excavation Permit from the Department of Public Works.
2. Proof-rolling of ALL street sub-grades is required in the presence of the Public Works Inspector. This requires is to be made 24 hours in advance.
3. Stop signs to be 30 inch by 30 inch.
4. Street signs to have six inch white letters on a nine inch green aluminum blade.
5. All signs to have 3M reflective coating.

Traffic Comment:

1. Comply with all previous conditions.
2. As per Ordinance BL2005-683, prior to recording a final plat for any phase, the following conditions apply:

The applicant shall submit a traffic improvements and mitigation phasing plan for review and approval by the Planning Commission prior to approval of the initial subdivision plat. This plan shall be reviewed and recommendations provided by the Department of Public Works and Planning Department. The plan shall identify specific traffic improvements and mitigation measures needed to address the impact of the development on Burkitt Road and Old Hickory Blvd. and any additional measures needed to address the impact of the development on Burkitt Road and Old Hickory Blvd. and any additional issues presented in the TIS. The plan shall establish the applicants pro rata share of the identified improvements and a schedule for construction of the improvements or the means for payment or bonding of the pro rata share.

STORMWATER RECOMMENDATION

1. Sign the note concerning the submittal of the NOI to the state or provide a statement in a letter to address the NOI.
2. Locate the benchmark for the project.
3. Provide the following information on the downstream structures: location, size, type, slope, inverts, capacity and actual flow to the structures.
4. Provide additional temporary erosion and sediment control notes (specifically concerning the site being left bare

for 15 days) per TCP-05.

5. Add notes concerning final stabilization of the site. There are 2 pages with different erosion and siltation control notes - ensure that all of these notes are not redundant.
6. Confirm if the waterway that flows through one of the detention ponds is not considered "waters of the state" by TDEC. If it is, Metro does not allow inline detention.
7. Refer to the appropriate section of Metro's Stormwater Management Manual, Volume 4, for all BMP details.
8. Add the following EPSC note to the plan:

I, _____, Certified Erosion Control Specialist, have reviewed the plan for sufficient onsite temporary erosion and sediment control provisions. _____Signature

CONDITIONS

1. All Public Works and Stormwater conditions of approval listed above must be met.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.

Approved with conditions, **(9-0) Consent Agenda**

Resolution No. RS2006-101

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005UD-003G-12 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

PUBLIC WORKS RECOMMENDATION

1. Delete roadway x-section shown and replace with ST-252. Note that the grass strip is to be 6 feet instead of the standard four.
2. Show installation of handicap ramps at street intersection.
3. Include PW standard construction notes to plan.

Public Works Construction Notes:

1. All work within the Public right-of-way requires an Excavation Permit from the Department of Public Works.
2. Proof-rolling of ALL street sub-grades is required in the presence of the Public Works Inspector. This requires is to be made 24 hours in advance.
3. Stop signs to be 30 inch by 30 inch.
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5. All signs to have 3M reflective coating.

Traffic Comment:

1. Comply with all previous conditions.
2. As per Ordinance BL2005-683, prior to recording a final plat for any phase, the following conditions apply:

The applicant shall submit a traffic improvements and mitigation phasing plan for review and approval by the Planning Commission prior to approval of the initial subdivision plat. This plan shall be reviewed and recommendations provided by the Department of Public Works and Planning Department. The plan shall identify specific traffic improvements and mitigation measures needed to address the impact of the development on Burkitt Road and Old Hickory Blvd. and any additional measures needed to address the impact of the development on Burkitt Road and Old Hickory Blvd. and any additional issues presented in the TIS. The plan shall establish the applicants pro rata share of the identified improvements and a schedule for construction of the improvements or the means for payment or bonding of the pro rata share.

STORMWATER RECOMMENDATION

1. Sign the note concerning the submittal of the NOI to the state or provide a statement in a letter to address the NOI.
2. Locate the benchmark for the project.
3. Provide the following information on the downstream structures: location, size, type, slope, inverts, capacity and actual flow to the structures.
4. Provide additional temporary erosion and sediment control notes (specifically concerning the site being left bare for 15 days) per TCP-05.
5. Add notes concerning final stabilization of the site. There are 2 pages with different erosion and siltation control notes - ensure that all of these notes are not redundant.
6. Confirm if the waterway that flows through one of the detention ponds is not considered "waters of the state" by TDEC. If it is, Metro does not allow inline detention.
7. Refer to the appropriate section of Metro's Stormwater Management Manual, Volume 4, for all BMP details.
8. Add the following EPSC note to the plan:

I, _____, Certified Erosion Control Specialist, have reviewed the plan for sufficient onsite temporary erosion and sediment control provisions. _____ Signature

CONDITIONS

1. All Public Works and Stormwater conditions of approval listed above must be met.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter."

XIII. PUBLIC HEARING: ADOPTION OF THE EXPANDED SUBDIVISION REGULATIONS

Staff Recommendation - *Adopt the expanded Subdivision Regulations.*

PROPOSAL - **Adopt the expanded Subdivision Regulations to become effective on April 27, 2006, and repeal, April 27, 2006, the Subdivision Regulations adopted March 21, 1991, as amended.**

ANALYSIS

Authority - Both the Metro Charter and Tennessee state law authorize the Commission to adopt subdivision regulations. These regulations are intended to "provide for the harmonious development of the municipality and its environs, for the coordination of streets within subdivisions with other existing or planned streets or with the plan of the municipality or of the region in which the municipality is located, for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity."

Proposed Subdivision Regulations - This rewrite of the Subdivision Regulations has been undertaken:

- To create an expanded set of subdivision regulations that reflects the diversity of the development throughout Davidson County;
- To better reflect actual practice in implementing the regulations; and
- To ensure consistency in references and correct reference and typographical errors.

For the most part, applicants can continue to develop subdivisions as before but they can also opt to take advantage of the opportunity for increased flexibility that provides for innovations in the design of subdivisions. Proposals for substantive changes and additions are highlighted later in this report.

Staff has discussed the proposed expanded Subdivision Regulations with the Commission at two separate work sessions. The December 30, 2005 draft of the expanded Subdivision Regulations was distributed to the Commission January 4, 2006. A copy of the proposed expanded Subdivision Regulations is enclosed with this staff report to the Commission and can be viewed by public at: http://www.nashville.gov/mpc/expanded_subdiv_regs.htm

General Comments - The first major step in the development process is to divide a parcel of land into lots and streets. How land is divided defines the pattern of a community, which in turn shapes its character.

Dividing land also defines traffic circulation patterns and access, dedicates rights-of way, and reserves tracts of land to protect environmental resources (floodplains, steep slopes, wetlands, forested areas). Subdivision regulations guide development of land consistent with the established ordinances and policies of the Metro Nashville Government. Subdivision regulations provide the community with an opportunity to ensure that new neighborhoods and developments are properly designed and that new subdivisions are integrated into the community.

Proposed Changes - The expanded Subdivision Regulations include amendments to the existing regulations and additional regulations.

Chapter 1. General Provisions - This Chapter provides the authority to regulate subdivisions and has been revised to reflect the updating of the regulations. Additions to this Chapter include a how to use these regulations section, a requirement to make a declaration of development preference, and an automatic updating of cross references and numbering when amendments are made.

Chapter 2. Procedures for Plat Approval - This Chapter, formerly Chapter 3, describes the application and review process for subdividing land. Substantial amendments are proposed.

Subdivisions are formally classified into three types of subdivisions:

- Major Subdivision: a subdivision of two or more lots that includes major infrastructure improvements.
- Minor Subdivision: a subdivision of more than two lots that does not include major infrastructure improvements.
- Partition: a subdivision into no more than two lots that does not include major infrastructure improvements.

A three tier approval process for major subdivisions has been developed. The first tier is the submission of a concept plan, similar to a preliminary plat that requires approval by the Planning Commission. The second tier is the submission of a development plan, similar to the construction plans now submitted with final plat stage. The Executive Director may approve a development plan administratively if there are no major changes from the concept plan. The third tier is the submission of a final subdivision plat to be recorded. The final subdivision plat will include only information required to be on a final plat and can be approved administratively by the Executive Director if there are no major changes from the development plan.

A coordinated review of subdivision applications by all departments throughout the approval process has been formalized. An option for coordination of subdivision approval and zoning map amendments has been provided.

Chapter 3. General Requirements for Improvements, Reservations, and Design - This chapter, formerly Chapter 2, describes the development and design standards for subdivisions. While subdivision development may occur largely as permitted now, both minor and substantive changes are proposed.

Critical lots: Many of the sites remaining in Davidson County are more difficult to develop; proposed revisions to the regulations allow critical lots on these sites to be reviewed in the context of the subdivision rather than just as individual lots.

Flag lots: Criteria added to guide when this lot pattern may be appropriate.

Double frontage lots: A preferred development pattern added for lots fronting on arterials and collectors.

Lot comparability: The section has been amended to clarify that “abutting” does not include lots to the back as was intended in the amendments made several years ago.

Blocks: Maximum block length reduced to 1,200 feet.

Streets:

- Improvements section modified to reflect actual practice.
- Tables removed and references to the respective departments' standards added.
- Added preferred alternatives to cul-de-sacs and landscape requirement for turnarounds of 50 foot or greater radius.
- Private streets permitted in UDOs, SP Districts and Rural Areas; provision for infill development on non-standard streets added.
- Construction Inspection section modified to reflect actual practice.

Signs: Added requirements for temporary dead-end street and greenway signs.

Public Water Facilities: Added requirement to meet fire flow capacity.

Underground Utilities: Added reference.

Special Planning Districts: Added reference to SP Districts in sections applicable to PUDs and UDOs

Chapter 4. Conservation Subdivisions -This new chapter enables a development that groups housing on the more buildable portion of a tract, while preserving at least 50 percent of the tract including natural drainage systems, open space, and environmentally and culturally sensitive areas.

The proposed Conservation Subdivisions:

- Provide for the preservation of open space as a watershed protection measure.
- Permit flexibility of design in order to promote environmentally sensitive and efficient use of the land
- Preserve in perpetuity unique or sensitive natural resources, scenic views, and historic, cultural, and archaeological sites.
- Reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- Minimize land disturbance and removal of vegetation during construction resulting in reduced erosion and sedimentation.
- Promote interconnected greenways and wildlife and other natural corridors through the community.

The proposed requirements for Conservation Subdivisions include:

- A required pre-application conference and a four-step process to lay out the subdivision.
- Applicable to Natural Conservation, Rural and Interim Non-Urban policy areas.
- Applicable to AR2, R80, RS80, R40, RS40 zoning districts.
- Addresses roads designated as scenic arterials.
- Permits only single family development.
- Requires a transition in lot size from abutting properties before reduced lot sizes are permitted.
- Zoning text amendments will be necessary to fully implement Conservation Subdivisions.

Chapter 5. Walkable Subdivisions - This new chapter provides standards to support more walkable subdivisions through improved connections, reduced block lengths, the discouragement of cul-de-sacs, and the provision of context sensitive street design.

The proposed Walkable Subdivisions:

- Allow for lots to front onto an open space.
- Discourage double frontage lots.
- Provide for subdivision standards to increase opportunities for home ownership
- Encourage open spaces.
- Emphasize street and pedestrian connectivity in residential, commercial, and mixed-use developments.
- Support hamlet-style development and infill development.
- Encourage open spaces.

Zoning Code amendments will be necessary to implement portions of this chapter to allow.

- Small-lot subdivisions facing onto a green space referred to as Cottage subdivisions.
- Attached housing in fee simple ownership.
- Both are only applicable in zoning districts allowing multi-family residential uses.

Chapter 6. Assurance for Completion and Maintenance of Improvements - This chapter, formally Chapter 4, describes the process for an applicant to guarantee the completion and maintenance of required improvements following final plat of subdivision approval. The proposed changes update the chapter to reflect actual practices. More detail has been provided on the process for releasing, reducing, or extending performance bonds.

Chapter 7. Definitions -This chapter, formerly Chapter 5, defines the words and terms used in the regulations. New definitions are proposed, a number of definitions have been modified to correspond with other Metro code definitions, and definitions that were no longer relevant to the regulations are proposed to be deleted.

Chapter 8. Adoption of Regulations and Amendments -This chapter, formally Chapter 6, provides details of the adoption of the regulations and is the place to record future amendments to the regulations. The format for this chapter remains unchanged.

Appendices

Appendix A. Plat Certificates -This appendix, formerly Appendix B, contains all of the required plat certificates. Certificates that were in the regulations have been moved to this appendix and certain certificates that are no longer used have been proposed to be deleted.

Appendix B: Critical Lots –

Plans and Procedures -This appendix, formerly Appendix C, contains the lot plan requirements for critical lots and has been updated to reflect current practices.

Appendix C: Outline for Construction Process -This new appendix provides an outline for the construction process of required infrastructure.

Submittal Checklists -(Formerly Appendix A) and the Fee Schedule have been removed to become stand-alone documents.

Zoning Text Amendments

2006Z-014T and 2006Z-015T -Two zoning text amendments are proposed to fully implement the expanded Subdivision Regulations. The first would permit lot reductions in Conservation Subdivisions in order to achieve the 50 percent conservation lands requirement. The second would permit lot reductions in Walkable Subdivisions to increase home ownership opportunities in multi-family zoning districts.

Outreach Program -The development of the expanded Subdivision Regulations was guided by a Steering Committee made up of Metropolitan Planning Commission and Legal staff and advised by an Advisory Committee made up of representatives of Public Works, Water Services, Stormwater Management, Parks and Greenways, Codes, Legal, Fire Marshal and Health. Planning staff met with the Advisory Committee as a whole and with individual representatives throughout 2005.

Two neighborhood meetings were held. The first at the onset of the development of the expanded Subdivision Regulations and the second prior to the October 25, 2005, draft being placed on the website for general comment.

Two meetings were held with the development community. The first at the onset of the development of the expanded Subdivision Regulations and the second shortly after the October 25, 2005 draft was placed on the website for general comment. In addition, staff met with specific groups individually when requested. A number of questions were raised at the second meeting. A copy of the questions with the staff responses is enclosed with this staff report to the Commission and can be viewed by the public at: http://www.nashville.gov/mpc/esr/questions_from_november15.pdf

Approximately 380 neighborhood groups and 180 development interest groups were notified by email that the draft expanded Subdivision Regulations were available for review and comment. The same groups were notified by email of the March 9, 2006 Public Hearing date for consideration of the expanded Subdivision Regulations.

STAFF RECOMMENDATION - Staff recommends **approval** of the Expanded Subdivision Regulations.

Ms. Bernards presented and stated that staff is recommending approval.

Mr. Roy Dale spoke in favor of the subdivision regulations. Mr. Dale suggested that the Expanded Subdivision Regulations be revisited over the course of the upcoming year. He also suggested that the issue of transferring development rights also be explored.

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously to adopt the Expanded Subdivision Regulations. **(9-0)**

Resolution No. RS2006-102

“BE IT RESOLVED by The Metropolitan Planning Commission that the **Adoption of the Expanded Subdivision Regulations is APPROVED. (9-0)**”

XIV. OTHER BUSINESS

29. Adopt revision to the Rules and Procedures of the Metropolitan Planning Commission regarding notification for Public Hearings for amendments to the Subdivision Regulations.

Staff Recommendation - *Approve*

PROPOSAL - Adopt revision to the Rules and Procedures of the Metropolitan Planning Commission regarding notification for Public Hearings for amendments to the Subdivision Regulations.

ANALYSIS

Authority - Both the Metro Charter and Tennessee state law authorize the Commission to adopt rules to deal with procedural issues. These rules are separate from the Commission’s substantive regulations and do not set any standards for the review of applications considered by the Commission.

The Commission may amend the Rules and Procedures at any regular or special meeting of the Commission by the positive vote of six members provided all members have been notified by mail of the proposed amendment at least ten days prior to the meeting. This staff report on this proposed revision was mailed to the Commission members on February 17, 2006.

Proposed Revision -Section VIII E requires that prior to the consideration of an amendment to the Subdivision Regulations, the Commission shall set a date for a hearing and provide public notice of the hearing in the body of two newspapers of general circulation 15 to thirty 30 days prior to the hearing.

Sections 13-3-403 and 13-4-303 of the Tennessee Code Annotated require a public hearing and 30 days notification of a public hearing in one newspaper of general circulation whenever amendments are made to the Subdivision Regulations.

In order to ensure that the Rules and Procedures of the Commission comply with the State requirements, it is proposed that Section VIII E be revised to require notification 30 days prior to the hearing.

In addition, it is proposed that the requirement for publishing the public hearing notice be revised to one newspaper of general circulation to match the State requirement. As it is the usual practice for public hearing notices to be published in the Tennessee Tribune and El Crucero, both of which have a targeted readership but do not qualify as newspapers of general circulation, there will continue to be broad notification of public hearings.

Proposed Revision	Old Language	New Language
Revise notification of public hearing from 15-30 days to 30 days. Revise requirement to advertise in two newspapers of general circulation to one newspaper of general circulation.	E. SUBDIVISION REGULATIONS. The Subdivision Regulations as duly adopted by the Planning Commission and subsequently amended are incorporated herein by reference as if copied verbatim. Prior to the consideration of new regulations, the Commission shall set a date for a public hearing. The hearing shall be advertised in the body of <u>two</u> newspapers of general circulation <u>15 to 30</u> days prior to the hearing. Conduct of the hearing shall be in conformance with Section VII B of these rules.	E. SUBDIVISION REGULATIONS. The Subdivision Regulations as duly adopted by the Planning Commission and subsequently amended are incorporated herein by reference as if copied verbatim. Prior to the consideration of new regulations, the Commission shall set a date for a public hearing. The hearing shall be advertised in the body of <u>one</u> newspapers of general circulation <u>30</u> days prior to the hearing. Conduct of the hearing shall be in conformance with Section VII B of these rules.

STAFF RECOMMENDATION - **Approve** the revision to Commission Rules and Procedures Section VIII E., Subdivision Regulations, as proposed.

Resolution No. RS2006-103

“BE IT RESOLVED by The Metropolitan Planning Commission that the **Revision to the Rules and Procedures of the Metropolitan Planning Commission Regarding Notification for Public Hearings for Amendments to the Subdivision Regulations is APPROVED. (9-0)**”

30. Executive Director Reports

31. Legislative Update

XV. ADJOURNMENT

The meeting adjourned at 6:40 p.m.

Chairman

Secretary

Equal Employment Opportunity Employer



The Planning Department does not discriminate on the basis of age, race, sex, color, national origin, religion or disability in access to, or operation of its programs, services, activities or in its hiring or employment practices. **ADA inquiries should be forwarded to:** Josie L. Bass, Planning Department ADA Compliance Coordinator, 730 Second Avenue South, Nashville, TN 37201, (615)862-7150. **Title VI inquires should be forwarded to:** Michelle Lane, Metro Title VI Coordinator, 222 Third Avenue North, Suite 200, Nashville, TN 37201, (615)862-6170. **All employment related inquiries should be forwarded to Metro Human Resources:** Delaine Linville at (615)862-6640.

